POLICE MATTERS: LAW AND EVERYDAY LIFE IN RURAL MADRAS,
C.1900-1960

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This dissertation uses the lens of policing to examine how the state and its law shaped everyday life in the Tamil countryside of Madras Presidency, southern India during the first two-thirds of the twentieth century. Arguing against the image of a police institution barely present in the countryside, except on occasion to put down riots through a spectacular display of force, this study draws upon a wide range of sources – including judicial records, government reports, newspapers, films, and previously unexplored police surveillance registers, to contend that the colonial and postcolonial Indian states exercised quotidian authority over subject-citizens through their police.

Through a close study of routine policing practices – walking the beat, recording a crime, interrogating suspects in custody, and managing public assemblies, this dissertation proposes, first, that the police were integral to the governmentalization of the state. The Madras police overcame their numerical disadvantage in the vast reaches of the countryside by drawing upon colonial knowledge that categorized Indian society into reified communities. Through a calibrated and near-continuous policing of communities, the colonial state penetrated rural society, ensuring the expansion of settled agriculture, the development of a productive labour force, and the circulation of people and commodities, an achievement that would have been considerably more challenging had the state’s efforts been directed towards managing individual subjects. The Tamil countryside,
far from being a bastion of traditional hierarchy, was actively shaped by colonial institutions.

Second, this dissertation demonstrates that through the police, the state performed everyday violence on its subjects at the moment of law enforcement. State coercion was accomplished as much through the ostensible abuses of police authority as through legally sanctioned acts of police violence. Further, since police violence was intertwined with judicial procedure, it was invariably sheltered from judicial penalty. Therefore, subject-citizens negotiated police authority more effectively in the realm of politics than through the judicial apparatus. While in colonial India, these politics were limited to the liberal public sphere and, more locally, to channels of rumour and gossip, in postcolonial Madras, electoral politics offered an avenue where citizens could negotiate coercive state authority.
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### List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>CPI</td>
<td>Communist Party of India</td>
</tr>
<tr>
<td>CPM</td>
<td>Communist Party of India (Marxist)</td>
</tr>
<tr>
<td>CTA</td>
<td>Criminal Tribes Act</td>
</tr>
<tr>
<td>DRCM</td>
<td>District Record Centre, Madurai</td>
</tr>
<tr>
<td>DSP</td>
<td>District Superintendent of Police</td>
</tr>
<tr>
<td>F.I.R.</td>
<td>First Information Report</td>
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<tr>
<td>FNR</td>
<td>Fortnightly Report</td>
</tr>
<tr>
<td>G.O.</td>
<td>Government Order</td>
</tr>
<tr>
<td>IGP</td>
<td>Inspector-General of Police</td>
</tr>
<tr>
<td>IPC</td>
<td>Indian Penal Code</td>
</tr>
<tr>
<td>PAR</td>
<td>Police Administration Report</td>
</tr>
<tr>
<td>PW</td>
<td>Prosecution Witness</td>
</tr>
<tr>
<td>PWD</td>
<td>Public Works Department</td>
</tr>
<tr>
<td>RDO</td>
<td>Revenue Divisional Officer</td>
</tr>
<tr>
<td>TNA</td>
<td>Tamil Nadu Archives</td>
</tr>
<tr>
<td>VM</td>
<td>Village Munsif or Village Magistrate</td>
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INTRODUCTION

Colonial rule profoundly impacted Indian society: it transformed people’s livelihoods, their relationship to institutions of law and justice, their forms of identity, and their ability to participate in politics.¹ The law was central to this process of transformation: in the words of Ranajit Guha, colonial law was “the state’s emissary.” Through the law, “the will of the state could be made to penetrate, reorganize part by part and eventually control the will of a subject population in much the same way as

Providence is brought to impose itself upon mere human destiny."² But if the law was the state’s emissary, the law in turn often had its own emissary i.e. the policeman. The policeman is the protagonist of this dissertation, but this is not an institutional history of the police. Rather, this dissertation uses the lens of policing to examine how the colonial state and its law reached down to shape everyday life in the Tamil countryside, in southern India, in the first half of the twentieth century.

Although there is a rich literature on the topic of colonial law in South Asia, the scholarship has emphasized its legislative aspects, revealing the persistent tension in legal codes between the universal rationality of liberalism and the unbridgeable gap of racial difference between the colonizer and the colonized.³ The considerably smaller corpus which deals with the practice of law emphasizes personal law and litigation, and is set in the courtroom.⁴ The policeman is a neglected figure in South Asian legal historiography. In this literature, law enforces itself; the policeman who

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enforces it is often invisible. Yet, it was the policeman who walked the beat, investigated crime, arrested suspects, and ensured public order. This dissertation attempts to retrieve these elusive moments of law enforcement that came between legal codification and judicial process from a textual archive which accords greater importance to legal codes and court judgments.

When the policeman does appear in the literature, it is to put down riots and rebellions – an occasional and fairly spectacular presence. Traditionally, scholars have approached the police as an instrument of alien authority, a coercive apparatus established to secure the British Raj in India. While this was undoubtedly an important aspect of the police’s function, this dissertation examines its neglected but equally significant role in enforcing the law and constituting the space of everyday life in the colony.

The site of this study is the southern, Tamil-speaking region of what was once Madras Presidency, and subsequently became the state of Tamil Nadu in independent India. Through much of the first half of the twentieth century, this region comprised the districts of Madurai, Tirunelveli, and Ramanathapuram. The dissertation surveys the multiple, overlapping rhythms of policing in the towns and villages within this

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5 Singha, A despotism of law : crime and justice in early colonial India. deals with this among other things, but for the early nineteenth century, when policing methods were in many ways different from the form they took by the early twentieth century.

6 Most pertinently for Madras Presidency, see David Arnold, Police power and colonial rule, Madras, 1859-1947  (Delhi ; New York: Oxford University Press, 1986).

7 Ramanathapuram was constituted only in 1910, from parts of Madurai and Tirunelveli. The three districts were alternatively known as Madura, Tinnevelly, and Rammad in colonial writing. In this dissertation, I adhere to the current spelling, except in direct quotations. After 1947, these three districts were carved out into several, smaller districts, including Tirunelveli, Thoothukudi, Virudhunagar, Ramanathapuram, Madurai, Theni, and Sivagangai.
region, which extended over approximately 13,000 square miles, to understand the extent to which the colonial state was able to exercise its authority in the vast expanses of the Indian countryside. Contrary to the traditional depiction of a colonial police that was barely present in rural India, except on occasion to put down riots, I argue that the Madras police did in fact exercise a considerable quotidian presence in the southern countryside.

While the dissertation primarily focuses on policing in twentieth-century colonial India, it extends the analysis to the initial decades after India attained independence from colonial rule, till the 1960s, to emphasize the colonial legacies in postcolonial policing. I argue that the policing of the Tamil countryside achieved two ends for the colonial and postcolonial states. First, it enabled the state to maintain social order by closely managing subject populations in a carefully calibrated manner. Second, the police acted as an organ through which the state could perform everyday violence, and thereby display its extra-legal authority. The following pages elaborate on these two themes that run through the dissertation.

**Colonial Governmentality and the Police**

Faced with a vast, alien subject population that was to be governed, the British in India embarked on a project to accumulate knowledge about the colony that commenced as early as the late eighteenth century and attained its peak in the second half of the nineteenth century. They launched a survey of the land, gathered information about land revenue, conducted a massive census operation, and painstakingly codified what they believed was the law of the land, provided by Hindu
and Muslim religious texts. Historians and anthropologists of modern India (most notably, Bernard Cohn), have examined how the production of colonial knowledge objectified India, “coding... India in ways that rendered it increasingly available for colonization.” Importantly, colonial knowledge mapped India in terms of enumerated communities defined by caste and religious identity, rather than as a nation of (bourgeois) individuals. The objectification of Indian society, and in particular, the enumeration of communities, had several momentous consequences in the history of modern South Asia, including the construction of caste as a primary idiom in politics, the hardening of Hindu-Muslim communal identities, and the recasting of gendered social practices as tradition. More generally, it shaped the subjecthood of colonial subjects (and postcolonial citizens) and thereby informed their politics.

But more immediately, colonial knowledge was a direct instrument in the exercise of colonial power. The objectification of knowledge about Indian society dovetailed with the governmentality of the state, which Michel Foucault defines as

8 For a discussion of how colonial knowledge functioned as an instrument of rule, see Cohn, Colonialism and its forms of knowledge: the British in India. For how number played a crucial role in the colonial imagination and categorized the native population by community in an effort to better understand and manage them see Cohn, "The Census, Social Structure and Objectification in South Asia," and Arjun Appadurai, "Number in the Colonial Imagination," in Orientalism and the postcolonial predicament: perspectives on South Asia, ed. Carol Appadurai Breckenridge and Peter van der Veer (Philadelphia, PA: University of Pennsylvania Press, 1993). For the objectification of caste as a modern political identity, see Dirks, Castes of mind: colonialism and the making of modern India.

9 Foreword by Nicholas Dirks in Cohn, Colonialism and its forms of knowledge: the British in India. pp. xv.


11 Mani, Contentious traditions: the debate on Sati in colonial India. Pandey, The construction of communalism in colonial north India. Dirks, Castes of mind: colonialism and the making of modern India.
the exercise of a complex form of power whose objective was a smooth-running economy, whose tool was statistical knowledge, and whose target was the population.\textsuperscript{12,13} The colonial state, through its laws and administrative apparatus, acted upon and organized the subject population towards the expansion of settled agriculture, the development of a productive labour force, and the circulation of people and commodities.\textsuperscript{14} This dissertation demonstrates that the police were active agents in colonial governmentality. While the Madras police did play an important role in the tasks typically associated with Foucauldian governmentality, such as monitoring sanitation, controlling epidemics (especially the plague and cholera), regulating the flow of people in pilgrimage sites which witnessed large congregations, and regulating the exchange of grains during times of famine, this was only one part of

\textsuperscript{12} Michel Foucault, "Governmentality," in The Foucault effect : studies in governmentality : with two lectures by and an interview with Michael Foucault, ed. Michel Foucault, et al. (London: Harvester Wheatsheaf, 1991). Michel Foucault et al., Security, territory, population : lectures at the College de France, 1977-78 (Basingstoke ; New York: Palgrave Macmillan : Republique Francaise, 2007). Foucault describes policing as a set of interventions and techniques that make possible the governmentalization of the state. From the eighteenth century onwards, this indicates, in Western Europe, a complex of things including a \textit{laissez faire} economy, the management of populations, security, and respect for individual freedom.

\textsuperscript{13} Unlike citizens, who inhabit the domain of theory, populations inhabit the domain of policy, writes Partha Chatterjee. Populations are identifiable, classifiable, amenable to statistical techniques such as censuses, and available to government functionaries as rationally manipulable targets of economic and administrative policies. Partha Chatterjee, The politics of the governed : reflections on popular politics in most of the world, The Leonard Hastings Schoff memorial lectures (New York ; Chichester [England]: Columbia University Press, 2004). pp. 34

\textsuperscript{14} For a discussion relating colonial law to the development of a labour market, see Singha, A despotism of law : crime and justice in early colonial India. For a discussion of the state’s intervention in society and the discourse of hygiene, see Gyan Prakash, Another reason : science and the imagination of modern India : (Princeton, NJ: Princeton University Press, 1999). For an analysis of the criminalization of vagrancy, see Yang, Crime and criminality in British India. For a discussion of the state’s management of forests as a resource, see Sivaramakrishnan, Modern forests : statemaking and environmental change in colonial Eastern India.
their tasks. A study of policing reveals that in India, governmentality was imbricated in colonial knowledge of the society. Gyan Prakash argues that since colonial rule was “fundamentally irreconcilable with the development of a civil society,” Foucault’s sovereignty-discipline-government triangle was absent in colonial India. Concomitantly, colonial governmentality could not depend on managing self-disciplining liberal subjects; rather, the state applied coercion upon entire communities towards achieving its goals of welfare.\textsuperscript{15} Policemen in southern Madras drew upon colonial knowledge that classified India into communities and mapped the population as thrifty and laboring castes, criminal classes, bigoted communities, litigious castes, and so forth. They used this knowledge to guide their practices – on the beat, in monitoring public assemblies, in recording criminal complaints, in interrogating suspects in custody – so that certain communities were policed more closely than others. This in turn helped ensure the stability of trade and agrarian class relations and the functioning of the political economy.

The colonial state thus frequently policed and managed communities instead of individuals. Through a calibrated, local, and near-continuous policing of communities, the colonial state could penetrate the vast reaches of the Tamil countryside, an achievement that would have been rendered considerably more challenging had the efforts of the state been directed towards disciplining individual subjects, unmarked by reification. The Tamil countryside, then, far from being a bastion of traditional hierarchy, was actively shaped by colonial institutions. This contradicts David

\textsuperscript{15} Prakash, \textit{Another reason : science and the imagination of modern India}. pp. 126.
Washbrook’s argument that traditional class structures posed a limit to the ability of colonial law to transform agrarian society, a process that he suggests was therefore marked by “slowness and timidity.”

In fact, the late-nineteenth and early-twentieth centuries in the southern districts of Madras Presidency were a period of considerable socio-economic change. Extensive deforestation in Tirunelveli and the construction of the Periyar dam in Madurai enabled expansion of agriculture, in turn entailing substantial land churn. The Nadar and Chettiar communities engaged in active trade of grain and other goods, with the Nadars, especially, emerging as an important trading community under conditions engendered by colonial rule. There was migration of labour to tea plantations within India and in Sri Lanka. Textile mills in the regional centres of Madurai, Tirunelveli, and Thoothukudi also attracted labourers from the countryside. The colonial police played an active role in sustaining each of these changes and flows, a task they performed by managing communities. For instance, they offered extra security to the “thrifty but avaricious” Nadars, they controlled the movement of the vagrant Thevars, and they restricted the politics of the laboring Dalits.

All the same, the colonial policeman’s control over the vast spaces of the countryside was always contested. This dissertation therefore also demonstrates the anxieties of colonial control and the (limited) negotiation of colonial power through the lens of everyday policing. Since the late 1960s, historians and geographers have

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the night.21 This dissertation complements studies of urban policing by researching the countryside and examining the ways in which colonial knowledge of Indian society enabled the enforcement of a similar penal regime, but over a large terrain and a relatively dispersed population. Furthermore, it argues that the coercive power of the state in reconstituting society through law and policing was more pronounced in the colonies than in the metropole.22

Coercion and the colonial state

Scholars of modern South Asia have commented on the inadequacy of Foucauldian notions of governmentality and discipline to understand the exercise of

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22 The global literature on policing is frequently split between works that adopt a Foucauldian framework to discuss the role of the police as agents of the state who helped maintain a social order, preserve the supply of labour etc. and those that discuss its work as agents of sovereignty and security i.e. in interrogating suspects and as agents of torture. However, Mariana Valverde argues that Foucault himself sees the police as combining both functions. “… what is distinct about Foucault’s account is the analysis of the crucial location of police as a rationality of governance that articulates sovereignty with biopolitics and discipline… Police, Foucault comments, reconciles or aligns the welfare of the people in general – the public interest in prosperity, public health, and public order – with the concern to preserve and enhance state power.” Mariana Valverde, "Police, Sovereignty, and Law: Foucaultian Reflections," in Police and the liberal state, ed. Markus Dirk Dubber and Mariana Valverde (Stanford, Calif.: Stanford University Press, 2008). Pp. 25-46. In line with this, I suggest that governmentality and sovereignty are intertwined in the functioning of the police.
state power in a colonial context, where the state was an absolute externality to the subject population.\textsuperscript{23} Instead, there was a constant tension between rule of law and rule of force in the exercise of state power in colonial India. Despite the fact that bringing in modern law to an ostensibly lawless nation was central to legitimizing British colonialism, Partha Chatterjee asserts there were racial limits to the rule of law, and the liberal project was always limited by the need to maintain difference between the colonizer and the colonized.\textsuperscript{24} In addition, Nasser Hussain characterizes the colonial condition as one of “permanent exception” where the British government always had the option of suspending normal law and invoking the state of exception in order to maintain political power, as for instance in the suspension of Habeas Corpus rights or in the infamous Jallianwala Bagh massacre of 1919.\textsuperscript{25} This dissertation builds on this idea of structural limits to the rule of law, but argues somewhat differently that state violence in colonial India was not only witnessed when the law was suspended or subverted, but rather was part of the very process of law enforcement. State coercion was continuous and subtle, and woven into the warp and weft of everyday life in the form of policing. Policing was an everyday manifestation of the “force of law” upon which state power rested.\textsuperscript{26}

\begin{itemize}
\item \textsuperscript{23} Chatterjee, \textit{The nation and its fragments : Colonial and postcolonial histories}. Prakash, \textit{Another reason : science and the imagination of modern India}.
\item \textsuperscript{24} Chatterjee, \textit{The nation and its fragments : Colonial and postcolonial histories}.
\item \textsuperscript{25} Hussain, \textit{The jurisprudence of emergency : colonialism and the rule of law}.
\end{itemize}
Ranajit Guha proposes that the exercise of colonial dominance was always contingent on a historically specific combination of persuasion and coercion.\textsuperscript{27} Equally, subordination was a fluid combination of consent and resistance. I suggest that a study of policing, which demonstrates the use of coercion in the colonial state’s management of populations and in the practice of law, reveals precisely this interplay between persuasion and coercion, between consent and resistance. On the one hand, colonial rule was not maintained exclusively by either legislation or displays of force; rather, it was reproduced in everyday practices that were disciplinary and/or coercive. Instances discussed in the chapters to follow, such as police intimidation of subaltern subjects on the beat, custodial violence against a criminal suspect, or firing on public assemblies, point to moments when the state used its legal apparatus, but deployed force to maintain its dominance. On the other hand, the very act of “crime” is “meaning-making… a comment about the world on the part of the dispossessed who have challenged their social exclusion through a range of actions including violence, individual or collective.”\textsuperscript{28}

\textsuperscript{27} Ranajit Guha, \textit{Dominance without hegemony: history and power in colonial India}, Convergences (Cambridge, MA: Harvard University Press, 1997).

reaches of the Tamil countryside and its limits. Thus, a study of policing illustrates the contested exercise of state power at the level of the everyday.

By studying the exercise of state power through the lens of policing, this dissertation examines the tension between rule of law and rule of force at the moment of law enforcement. I use the Criminal Procedure Code, 1898, the principal piece of legislation governing the administration of criminal justice in British India, as a point of entry to examine the various moments during law enforcement when policemen interacted with rural society. Soon after the transfer of power from the English East India Company to the British Crown, scattered province-level codes outlining the procedure to be followed by the judicial machinery in the event of crime were replaced by a uniform Criminal Procedure Code in 1861. In turn the Code of 1861 was further consolidated in acts passed in 1872, 1882, and 1898.

The Criminal Procedure Code, 1898 which delineated the powers of the police, the magistracy, and the judicial courts, was deeply informed by the principles of Utilitarianism. At first glance, the Code appears almost algorithmic, enumerating step-by-step the procedure to be followed by the police in the prevention and punishment of crime. Yet, the police were not passive executors of the law, but rather used discretion in the exercise of procedural authority. My work examines how policing practices in Madras emerged at the conjunction of two conflicting imperatives of rule. On the one hand, the Criminal Procedure Code was influenced by Utilitarian doctrines

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29 Interrogating procedural law rather than substantive law is a convenient point of entry to study the tension between violence and the rule of the law in colonial India, as seen also in Kolsky, *Colonial justice in British India*. 

that emphasized the universal applicability of laws and the ability of writing to achieve accountability from those who held positions of authority. On the other, policing practices were inflected by the production of colonial knowledge of Indian society. This was tied to an Orientalist discourse, leading to the characterization of the Indian village as timeless and unchanging, the “crowd” as apolitical and impulsive, the native constable as untrustworthy, and the native, in general, as prone to perjury and duplicity. In this context policing became an everyday performance of discretionary state power. Operating at the threshold of judicial procedure, the policeman determined how, and whether, a singular historical episode would be absorbed into the universal language of the law. Police recordation acquired significance on account of its ability to authenticate transient events for the judicial record. Relatedly, the

30 For instance, when a police officer received intimation of an offence, he could decide whether it was serious enough to be investigated at all, whether it was enough to depute a subordinate officer to the site to conduct the investigation, or whether he himself needed to go. Whichever decision he took, he needed to explain it in a written statement that became part of the station records. Likewise, Section 165 of the Criminal Procedure Code permitted a police officer to conduct a search in any place within his station limits if such a search was necessary for any investigation he was conducting, so long as he did it “after recording in writing the grounds of his belief and specifying in such writing, as far as possible, the thing for which search is to be made.”


32 Guha, "Chandra's Death." “… a matrix of real historical experience was transformed into a matrix of abstract legality.” pp. 141. I use the term ‘singular’ as used by Dipesh Chakrabarty, Provincializing Europe: postcolonial thought and historical difference, Princeton studies in culture/power/history (Princeton, N.J.: Princeton University Press, 2000), pp.82

33 Raman, Document Raj: writing and scribes in early colonial south India.
extent to which inhabitants of the Tamil countryside approached the police to arbitrate disputes is indicative of the penetration of colonial law into rural politics.

The moment of law enforcement was significant not only because it allowed for an everyday performance of bureaucratic state authority that stemmed from the power of writing. It also gave the policeman an opportunity to inscribe actual physical violence on the body of the legal subject. In Walter Benjamin’s formulation, at this moment of law enforcement, the police both dispensed the law and decided on its dispensation: this dual role emancipated any checks to police violence. My chapters focus on this moment to demonstrate that police functioning combined coercion with everyday law enforcement, whether in walking the beat, writing the records of a criminal investigation, interrogating suspects in custody, or controlling public assemblies. These practices were at times accompanied by violence, and always by the threat of violence. However, the fact that the police were the ones to record this moment for the judicial archive, and the very bareness of police records, frequently erased police violence out of the documentary archive.

Analyzing policing as an expression of state power makes irrelevant the dividing line drawn in contemporary official and journalistic writing between “lawful” uses of police force (often exercised by senior police officers), and “unlawful” abuses.

34 “True, this is violence for legal ends (in the right of disposition), but with the simultaneous authority to decide these ends itself within wide limits (in the right of decree)... in this authority the separation of lawmaking and law-preserving violence is suspended. If the first is required to prove its worth in victory, the second is subject to the restriction that it may not set itself new ends. Police violence is emancipated from both conditions.” Walter Benjamin, "Critique of Violence " in Reflections: essays, aphorisms, autobiographical writings, ed. Peter Demetz (New York: Schocken Books, 1986). Pp. 286
of police authority (often attributed to junior inspectors and constables). Both were instances of coercive management of subject populations by the state, and both drew upon discourses that criminalized marginalized populations and subaltern politics. The examples used in the pages to follow show that lawful uses of police force were evident in cases where the law itself criminalized subaltern politics, while the so-called abuses of police authority also usually targeted subalterns and their politics.

A social history of policing thus draws attention to a realm of politics where colonial subjects’ experience of the everyday state was mediated through policing and tinged with violence. With the exception of the participants in the Congress-led nationalist struggle against colonial rule, objects of police violence encountered in the following pages frequently belonged to the less-literate and less-affluent sections of rural Tamil society. How did they negotiate police authority? First, police control over the vast countryside necessitated cooperation with local officials known as the village police, and villagers mediated their relationship with police authority through these local networks of power. Second, police gaze into village life was limited because some spaces were more visible to the state than others. Chronicles of crime portray movement of policemen and villagers in and out of these spaces – railway stations, the village tea shop, agricultural fields, the weekly rural market, the highway leading to the district centre, government offices, and festivals – in their attempts to confront or avoid one another. Third, inhabitants of the Tamil countryside used rumour and gossip

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as instruments to interpret and negotiate with police authority. However, there are but
glimpses of the use of tactics such as these in the archival record, and this dissertation
emphasizes the expression of police authority more than it does these forms of
resistance.

The form of popular resistance to policing most visible in the archives was
when caste communities forged political identities and fought to improve their social
status and gain socio-economic rights. For instance, certain lower-caste communities
sometimes refused to perform customary duties at festivals, others protested the
construction of buildings at sacred sites, while yet others demanded greater harvest
shares – all in defiance of police surveillance and violence. This dissertation studies
such moments of resistance when the state deployed police force against protestors
who disturbed public order. It examines how, through policing, the state could deploy
force lawfully, if not legitimately. Further, this dissertation suggests that in
postcolonial India, electoral politics offered an avenue where popular resistance to
policing could be articulated. Rumour and gossip about police power, which had
circulated in colonial India too, were productively channeled and given a more
definitive shape in narratives of community, which in turn were tightly intertwined
with electoral politics in postcolonial Madras. Under these circumstances, the
experience of police violence became central to the forging of caste identities.
Memories of police violence were kept alive, and sometimes actively resuscitated

36 In southern Tamil Nadu, communal politics were often on the issue of caste. Even in cases
where the conflicting communities belonged to different religions (most often Hinduism and
Islam, or Hinduism and Christianity), the caste identity was usually pertinent to the conflict.
from the near-dead, towards the strengthening of caste identity. This process began as early as the 1950s (the period examined in this dissertation), but has been particularly prominent since the 1980s and 1990s, relating the study, albeit tentatively, to the politics of present-day Tamil Nadu.

**The Setting: the Stage and the Actors**

In the last two decades of the eighteenth century the English East India Company moved southward from their base in Fort St. George, Madras, and engaged in a series of skirmishes directed towards establishing their sovereignty. In this they met with severe resistance from some minor chieftains, famously the *palayakkarar* of Panchalangurichi, Veerapandiya Kattabomman. By the turn of the century, these foes had been vanquished, the fort of Panchalangurichi razed to the ground, and its name erased from Company maps. In 1802 the territory was brought under the Permanent Settlement and Company rule formally established. My dissertation is set in this region, which was to be carved out into the administrative districts of Madurai, Tirunelveli, and Ramanathapuram.

Unlike the naturally better irrigated lands to its north and west, the southern Tamil districts were dry or densely forested. The changes brought about to this land under colonial rule were therefore quite significant. A district gazetteer noted in 1879 that

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38 Permanent Settlement was a form of revenue settlement.
Tinnevelly must be regarded as having greatly changed in its general appearance within the last century owing to the destruction of jungles and of trees of all kinds to make room for a rapidly extending cultivation under British encouragement. At the beginning of the century it is described as well-wooded...; now it is essentially an open country, cultivated throughout, and remarkable for the scarcity of woods, jungles, and trees of any kind.39

In contrast to Tirunelveli, Madurai was arid. Its principal river, the Vaigai, is not perennial, and it does not get much rain from either the South-West or the North-East monsoon. Desultory attempts were made from the early decades of the nineteenth century onwards to bring water to the region from neighbouring rivers, but were abandoned for various reasons: enormous cost, the scarcity of local labour, and the high degree of technical skills demanded. The district suffered from a terrible famine in the 1870s, greatly increasing the urgency to improve irrigation. Work on the Periyar Dam, an engineering marvel of its time, began in 1887 and continued for almost a decade, interspersed as it was with cholera attacks and labour shortages. A 999-year lease between the Madras government and the princely state of Travancore to the west allowed for the waters of the Periyar River to be diverted from the “uncultivated and uninhabited jungle” in Travancore where they were “running to waste” to the plains of Madurai.40 The project provided for the irrigation of 140,000 acres of land, which began to be brought under cultivation at a rapid pace.41

40 Archibald Thomas Mackenzie, *History of the Periyar project* (Madras: Printed by the Controller of Stationery and Print. on behalf of the Govt. of Madras, 1963).
41 *Wenlock Collection*, MSS EUR D592/ 17, “Notes on the working of certain departments of government during the administration of Lord Wenlock, with general summary,” p. 64, British Library.
The extension of agriculture in Madurai and Tirunelveli enhanced the importance of policing these lands, particularly with an eye to protecting rights to private property and maintaining stability of agrarian class relations. Agrarian expansion also affected the land-ownership patterns in the region and, concomitantly, communities’ relationships to policing. The principal land-holding castes as of the mid-nineteenth century had been the Brahmins, Vellalas, Naiks, Reddies, and Rajus. Dalits (Pallars and Parayars) had predominantly been landless labourers. The affluence of the traditional land-owning castes and the position of the Dalits as landless cultivators continued well into the twentieth century. However, there were other changes; specifically, land-ownership among the Kallars, Maravars and Agamudaiyars (who stood roughly in the middle of the local caste-ranking and were at times collectively known as Thevars), increased in the late-nineteenth and early-twentieth centuries. Colonial policemen regularly monitored tense relationships between Thevars, Dalits, and the traditional land-holding castes. They also actively

44 *The Imperial Gazetteer of India*, vol. XVI Kotchandpur to Mahavinyaka (Oxford: Clarendon Press, 1908). pp. 392-3. The records of case from the 1890s regarding revenue rights over a village, Kondhagai, in the Sivaganga Zamindari in Madurai, lists the ryots of the village. There are about 75 names, including Brahmins, Pillais, and Thevars. No Pallars or other low castes are mentioned. Privy Council Appeal, 1898. IOR/L/L/B30, British Library. Depositions before the Indian Franchise Committee of 1932 also indicate that a vast majority of agricultural labourers were Dalits and that high-caste Hindus were often landowners. Indian Franchise Committee, Madras Evidence File, 1932. IOR: Q/IFC/19, British Library.
45 The *Tinnevelly Manual* of 1879 claimed that though Maravars were in general agricultural servants or tenants of wealthier ryots, an increasing proportion of them were “becoming the ryotwari owners of land by purchase from the original holders.” Stuart, *A manual of the Tinnevelly District in the Presidency of Madras*. Pp. 16. From 1910 onwards the Madras Government speeded the process by allotting land to Kallars under a special scheme related to their classification as a criminal tribe.
policed Thevars, an erstwhile vagrant community, towards inculcating in them values of “agrarian civility.”

The policing of the Thevar community, to be discussed in greater detail in the chapters to follow, was part of the larger colonial discourse of “criminal tribes.” By the late-nineteenth century, the notion that certain communities were inherently criminal (by virtue of childhood training or, later, simply of heredity) had gained currency in colonial governance. This theory attributed criminality at the level of the community, for simply belonging to it, rather than at the level of an individual for a particular crime. This belief was crystallized with the passing of the Criminal Tribes Act of 1871. At the level of everyday state practice, policemen were required to closely monitor members of criminal castes. The objects of criminal tribe legislation were often vagrant communities, like the Thevars, which were not attached to land and agriculture; the legislation thus aligned perfectly with the needs of colonial governmentality.

Apart from their vagrant lifestyle, the Thevars’ prominent participation in the military resistance to the East India Company’s territorial expansion in the late-eighteenth century (the “Poligar” or Palayakkarar Wars) also contributed to their later criminalization. Following this exceptional moment of violence in establishing political authority, the colonial state thus used its legal apparatus to criminalize and

47 Stuart Blackburn argues that the ‘wild collerie’ image, a product of the eighteenth century wars, informed British policy towards the Kallar right up to the repeal of the CTA in 1948. Stuart Blackburn, “The Kallars: A Tamil "criminal tribe" reconsidered,” South Asia: Journal of South Asian Studies 1, no. 1 (1978).
suppress political dissent at a more continuous level through the policing of the Thevar community.\footnote{Yang, 	extit{Crime and criminality in British India}.} Although the Criminal Tribes Act was repealed in 1947, the informal policing of Thevars as “denotified tribes” continued in the years after independence too.\footnote{Meena Radhakrishna, “Urban Denotified Tribes: Competing Identities, Contested Citizenship,” 	extit{Economic and Political Weekly} 42, no. 51 (2007). A Tamil film, 	extit{Paruthiveeran} (2007), also engages with this theme.}

The final set of actors in this dissertation are the policemen themselves. The colonial state’s police apparatus functioned at three levels in the twentieth century. At the highest was the officer cadre which comprised principally of Englishmen. The second was the constabulary, which was largely native in composition. Constables and junior inspectors were typically recruited from the thrifty, agricultural castes; in Madras Presidency, these included, among others, Naidus, Raos, and Pillais.\footnote{David Arnold, "Bureaucratic Recruitment and Subordination in Colonial India: The Madras Constabulary, 1859-1947 " in 	extit{Subaltern Studies IV: Writings on South Asian History and Society} ed. Ranajit Guha (Delhi ; Oxford: Oxford University Press, 1985).} Thus, the project of colonial governmentality permeated the very composition of the police force. At the lowest rung were the village police, who were not officially a part of the state police. Their role was subordinate to that of the colonial constabulary, whom they were meant to assist in rural areas. Village police often belonged to the Thevar and Naicker castes, creating a tension between the criminalization of these castes and their policing by the state. This dissertation’s primary focus is on the middle tier of the police force i.e. the native constabulary. Exploring policing at the level of the constabulary rather than at the level of the officialdom allows me to examine the
everyday practice of colonial law, as opposed to simply understanding the articulation of the state’s policy on law enforcement. Additionally, by focusing on this tier of native policemen, I move away from the overtly racial dimensions to colonial policing, emphasizing instead the ways in which colonial knowledge of Indian society seeped into everyday practice among colonial subjects. The following section explains the time frame of the dissertation, placing it in relation to the formation of the colonial police.

The Time Frame

Through much of the nineteenth century, the colonial state attempted to appropriate to itself all policing functions that were distributed within society. The Permanent Settlement of 1802 took away from zamindars their police duties, and Act IV of 1864 extended the principle to ryotwari lands in selected districts within Madras Presidency, replacing village service fees with a cess paid to state, which would henceforth pay salaries to its police staff.51 In the early nineteenth century revenue, magisterial, and police functions were fused in Madras Presidency, provoking allegations of inefficiency and corruption in the police force. Consequently, the police and revenue departments were fully separated in a major reorganisation in 1856, when the kernel of the modern Madras Police was formed. The new structure was given legislative shape in the Madras District Police Act of 1859. The Madras police system

was found enough of an improvement over other existing ones that a couple of years later, the First National Police Commission adopted it as a model for all other provinces of British India.\footnote{These changes were embodied in the \textit{Police Act} of 1861.} Despite these administrative interventions, the police remained an underfunded and somewhat poorly structured body through the second half of the nineteenth century. It was at the turn of the twentieth century, following a barrage of criticism from Indian nationalists and British parliamentarians on the inefficiency and oppressive conduct of the Indian police, that the Government of India instituted the Second National Police Commission.

The Second National Police Commission of 1902, popularly known as the Fraser Commission, was a landmark one that effected many changes in the organization, recruitment policies, and procedures of the Indian police. For instance, it altered (or at times, streamlined) the density of police outposts in the countryside, the relationship of the formal police force with the village police and the tasks to be performed by each body, the way a policeman maintained records of villages in his precinct, the way he registered crime, the quantity of arms to be held at each police-station, and so forth. This dissertation studies the policing of the Tamil countryside from c. 1900, when the Fraser Commission gave the Madras police the shape it would retain through much of the twentieth century. (The next National Police Commission after Fraser was instituted as late as 1977).

Partha Chatterjee writes that independent India retained “in a virtually unaltered form the basic structure of the civil service, the police administration, the
judicial system, including the codes of civil and criminal law, and the armed forces as they existed in the colonial period." In line with this assessment, while the dissertation’s principal focus is on colonial policing, it emphasizes the considerable procedural continuities in police practice that were seen in the postcolonial state. All the same, policing in postcolonial India was inextricably intertwined with politics and the chapters indicate the ways in which speaking about police authority was an essential component in the dynamics of electoral competition in a postcolonial democracy. The study concludes in the late 1960s, two decades after India won independence from British rule, and prior to the Indian Emergency of 1975-77. The 18-month-long Emergency period, which witnessed a spate of police detentions and torture across the country, caused an upsurge in the Indian human rights movement, and shifted, to some extent, the ways in which police authority could be articulated.

**Sources**

Judicial records in South Asian government archives frequently contain only the final judgment in a case, thus obscuring police role in criminal investigation. Records of routine police surveillance, stored only in police stations, are even harder for the historian to access. In seeking to overcome these obstacles, I use a wide range of sources, including judicial and police records, governmental documents, and non-governmental publications for this study. My sources include the occasional police records tucked behind court judgments, police surveillance registers, routine and exceptional communication between the government and the police department – such

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53 Chatterjee, *The nation and its fragments: Colonial and postcolonial histories*, pp. 204.
as annual police reports, police planning records, policy guidelines, and torture investigation reports, and non-governmental records including newspapers, pamphlets, district gazetteers, missionary records, and Tamil films. These documents have been obtained from village police-stations, small towns, provincial capitals, and the metropole. Written in Tamil and in English by local functionaries, senior government officials, and criminal suspects and witnesses, they span a range of perspectives and provide a richly textured glimpse into the social history of law.

Most notably, some of these documents correct the image provided by the more conventional archive that the police were an entity distant from rural society. This is especially true of the police surveillance registers which are permanent, running records of every village under the jurisdiction of every police-station in Madras Presidency, maintained by the respective local police inspectors. Since these records are kept permanently at police stations, neither do they make their way to an official archive nor are they easily accessible to the public. I gained access to station-house records dating from the 1930s at six police stations in Tirunelveli district, which, between them, cover about fifty villages and several dozen hamlets. My collection therefore is necessarily limited, but serves as an interesting case study to understand police practice at the most locally documented level. Station-house records demonstrate police writing of a very different texture than judicial writing or documents written by senior police officers. Thus, in some senses, this dissertation uses the police-station as an archive, a less-censored one at that than the government archive.
Chapter Outline

Each of the chapters in this dissertation presents a micro-analysis of a routine policing practice – walking the beat, writing the records of a criminal investigation, interrogating suspects in custody, and controlling public assemblies. In sequence, the chapters examine how the police left their imprint on the land, on documents, on subject bodies, on public gatherings, and in popular memory, producing in the process the space that was rural Madras.

Chapter 1 ("The Seeing State") argues that despite their thin spread in the Tamil countryside, the colonial police exercised a considerable presence in the everyday lives of its rural inhabitants. They did so by drawing upon, and consolidating, colonial knowledge of Indian criminality that hierarchized people and spaces to be policed. Using narrative and statistical records of crime, the police built a dynamic institutional memory of “criminal” and “unimportant” places to be policed and left alone, respectively, and delineated their area of operation through a constantly shifting network of station-houses and men on the beat.

Chapter 2 ("To the Police-Station") shows how police records during a criminal investigation, notably the ‘First Information Report’ (‘F.I.R.’), overrode less stable narratives of an event, enshrining for the courts a privileged, “factual” narrative of a crime. The chapter argues that registering criminal cases with the police using the F.I.R. was an event in village disputes, not just a means of resolving conflict. The filing of false charges that grew around the F.I.R thus provided mechanisms to bring everyday life and its disputes into the web of law.
Chapter 3 (“The Many Lives of Custodial Violence”) explores the occurrence of police torture during custodial interrogation. Contemporary governmental and journalistic records attributed custodial violence to the native constable’s proclivity to extort confessions or to the government’s indifference in disciplining its police force. This chapter instead draws attention to the late-nineteenth century consolidation of evidentiary protocol which privileged medical testimony over the voice of the subaltern victim, resulting in judicial blindness to custodial violence, and enabling the banal exercise of violent state power.

Chapter 4 (“Pax Britannica”) examines the spectrum of policing measures deployed by the state to maintain public order amidst popular protest in colonial and postcolonial India. The chapter argues that the police did not engage with protestors only at the moment of riot; rather, they kept their pulse on popular protest more continually. Furthermore, the state, which perceived public assemblies as ‘crowds’ – apolitical and prone to impulsive violence, treated them as objects of police rather than legal intervention. By criminalizing forms of popular mobilization, the state used police force against public assemblies that it deemed “unlawful,” and thereby managed its subject-citizens.

The Conclusion develops some of the themes raised in the dissertation to interrogate the changed implications of policing on politics in postcolonial India. Unlike in the colonial period, when resistance to police violence stayed somewhat subterranean, memories of police violence became central to writing narratives of community in postcolonial Madras. The conclusion juxtaposes a notorious episode of
police and communal violence that occurred during the national elections of 1957, with its hotly contested legacy in contemporary India, to explore the originary role of police violence in forging communal identities that lie at the heart of electoral politics in Tamil Nadu.
CHAPTER ONE

THE SEEING STATE: POLICE PRESENCE IN THE TAMIL COUNTRYSIDE

Through much of the twentieth century, the Government of India published an annual report on the administration of the police in each of its provinces, including Madras Presidency.¹ The report opened with a map of the Presidency showing the incidence of serious offences for the year in each of its districts. The map was the first thing the reader saw, appearing even before the table of contents for the report [Appendix A]. The map ordered districts in terms of their criminality, giving the reader a sense of the spatial distribution of crime within the Presidency.²

The body of the report, presented as text and tables, covered two themes: the profile of the police force and statistics of crime. The profile of the force, in turn, included details of its recruitment, education and training, health, housing, rewards and punishments. There was no information on where the force – its station-houses and constables – was present.³ The conceit here, echoed in other police documents, was that the force was omnipresent, and diligently discharging its duty of registering

¹ These reports had commenced, at the latest, in the last decade of the nineteenth century, and continued at least up to the 1970s. In independent India, the reports that I discuss pertain to the state of Tamil Nadu.
³ The exception to this was in places where the armed reserves and special additional police had been called in to settle disturbances and maintain order.
crime, everywhere.\textsuperscript{4} Statistics of crime were, by extension, direct indices of the criminality of different regions, and were largely independent of the presence of the law enforcement machinery in different parts of the Presidency.

Differing from this image of a widespread and evenly distributed police force, governmental sources as well as the secondary literature on the colonial police in India emphasize the thinness of its presence, specifically in rural India. Of early twentieth-century Bombay Presidency, Raj Chandavarkar writes that “the thin blue line was very thin, indeed…. over large parts of the Indian countryside, there was no police presence at all. Villages were omitted from the administrative design of the police force.”\textsuperscript{5} David Arnold, the foremost historian of the Madras police, contends that the size of the force in the early twentieth century did not permit any real rural policing: “much petty crime was ignored and the police only visited a village when there was a report of a serious crime or disturbance.”\textsuperscript{6} In the southern, Tamil-speaking districts of Madurai, Tirunelveli, and Ramanathapuram in Madras Presidency, which this dissertation studies, there was a police-station for approximately every 100 square miles and one policeman for every 5 square miles in the first half of the twentieth

\textsuperscript{4} For other examples of governmental writing that assumed that the police should be present everywhere, see the planning documents discussed in detail in the pages to follow. These always began with a calculation of distances and areas, and a standard number of policemen to be present per unit of area.

\textsuperscript{5} Rajnarayan Chandavarkar, "Customs of Governance: Colonialism and Democracy in Twentieth Century India," \textit{Modern Asian Studies} 41, no. 03 (2007). Pp. 450-51

century. In the countryside, this ratio became even smaller, to about 1 station for every 150 square miles.7

And finally, there is a third image of excessive policing, diverging from the representations both of an evenly distributed police force and of a largely absent one. Excessive policing was especially visible in two spheres: putting down nationalist agitations and monitoring criminal tribes. The police played a prominent role in suppressing nationalist movements in the first half of the twentieth century, such as the Rowlatt Satyagraha of 1919, the Civil Disobedience of 1930, and the Quit India movement of 1942. Excessive policing was equally evident in the surveillance of those classified by the colonial government as criminal tribes.8 For instance, in 1913, when the Kallars of Keelagudi village in Madras Presidency were brought under the Criminal Tribes Act, 1911, every one of their fingerprints was taken and their movements restricted drastically. They were placed in a settlement, guarded by seven constables, and “from which escape (would) be difficult.”9

7 The Tirunelveli gazetteer of 1879 observed that the district had 1031 policemen of all ranks, spread across 95 police stations. This resulted in one policeman for every five square miles and for every 1613 inhabitants. Stuart, A manual of the Tinnevelly District in the Presidency of Madras. As of 1925, Tirunelveli district had 877 policemen spread over 4325 square miles, resulting in one policemen per 4.9 square miles. G.O. 750, G.O. 753, Judicial, 1925. G.O.169 Judicial 1905, TNA.
8 By the late nineteenth century, the theory of criminal castes, according to which certain castes were inherently criminal, had gained currency in colonial governance. This theory attributed criminality at the level of the community, for simply belonging to it, rather than at the level of an individual for a particular crime. This belief was crystallized with the passing of the Criminal Tribes Act of 1871. At the level of police practice, policemen were required to closely monitor members of criminal castes.
9 Madura Collectorate File 29/1914, 8/4/1914, DRCM. The record does not make it clear how many Kallars were placed in this settlement. The village had 321 male adults, of whom 79 had a criminal record. Some subsection of the 321 was probably notified under the Act and placed in the settlement.
This chapter attempts to reconcile these varying cartographic and temporal imaginations of the Madras police in the first two-thirds of the twentieth century – were they spread evenly across the country, were they hardly there, did they have an overwhelmingly intrusive presence in the lives of some, or did they only make sudden, spectacular appearances to put down riots? This discrepancy becomes especially pertinent when one considers the policing of the vast countryside. This chapter closely examines police diaries, maps, and other governmental records to argue that despite their relative lack of numerical strength, there was considerable flexibility to the operation of the Madras police, which enabled them to hold a significant everyday presence in the Tamil countryside.\footnote{In this dissertation, I use the term “everyday” not in the literal sense, but to suggest a routine presence.}

Two factors lent flexibility to the operation of the rural police. Firstly, the policeman functioned not only from the confines of his station-house but also on his beat. The beat was critical in determining where exactly the police would be present, how often, and in what numbers. It also enabled the police gaze to fall upon a far wider area than would have been possible from just the police station. The route and frequency of the beat was determined by the policing needs of the colonial (and later, postcolonial) state, and changed periodically, with ease. Secondly, station-houses in the early twentieth century were themselves not permanent buildings but rather makeshift structures that frequently shifted location to reflect the policing requirements of the state.
What were the needs of the state which dictated where its police would be present, and how often? Much of the literature, including the writings of David Arnold and Ranajit Guha, depict the police in British India principally as an agent of colonial control, instead of one which provided security to the people.\textsuperscript{11} Historians have also established that the early postcolonial state, rather than marking a dramatic change in governance from its predecessor, continued to maintain the structures of power established by the colonial state.\textsuperscript{12} Raj Chandavarkar, for instance, claims that the colonial and postcolonial police were little concerned with crime defined as offences to property and person but rather understood it “primarily in terms of rebellion and disorder.”\textsuperscript{13}

“Colonial order” is broadly defined in the scholarship referred to above to include not just the regime in power but also the socio-economic structure that supported it, i.e. landlords and industry. The police thus played an active role in suppressing nationalist agitations as well as labour strikes and peasant rebellions.\textsuperscript{14} By emphasizing police intervention during moments of riot, this literature emphasizes the

\textsuperscript{11} Arnold, \textit{Police power and colonial rule, Madras, 1859-1947}. Guha, \textit{Dominance without hegemony : history and power in colonial India}. Pp. 24 mentions that a highly developed police apparatus was part of the coercive apparatus of the state used to enforce Order.
\textsuperscript{13} Chandavarkar, "Customs of Governance: Colonialism and Democracy in Twentieth Century India." Pp. 450
\textsuperscript{14} In addition to statistics of offences to person and property, the annual police administration reports carried a section on “Riots and Disturbances” which dealt with ‘agrarian unrest’ and ‘labour troubles’ for the year. This was especially common from the 1940s onwards, and into the post-independence period.
coercive and extraordinary use of police power, rather than its everyday aspects.\textsuperscript{15} A second strand within South Asian historiography where the police frequently appear is that on criminal tribes. As mentioned earlier, police surveillance of communities classified as criminal was intrusive and continuous. Police monitoring of criminal tribes too helped maintain colonial order, for the state inevitably criminalized vagrant communities which threatened a social order based on property rights.\textsuperscript{16}

In contrast to both these themes – of suppressing disorder and monitoring criminal tribes – which highlight the coercive aspect of police power, the scholarship on cities emphasizes additionally the everyday, disciplining role that the police played. In the colonial and postcolonial cities, the police protected property, promoted hygiene, ordered public spaces, and disciplined public behaviour.\textsuperscript{17} For instance, newspapers from late-nineteenth century Madras towns regularly referred to the police’s role as guardians of public morality. They asked policemen to monitor the behaviour of lower-caste youth in the market, to put an end to the singing of obscene songs by carriage-drivers,\textsuperscript{18} and to prevent children from hindering traffic by flying

\textsuperscript{15} For a treatment of colonial rule as a state of exception, see Hussain, \textit{The jurisprudence of emergency : colonialism and the rule of law}. For colonialism as rule of racial difference, see Chatterjee, \textit{The nation and its fragments : Colonial and postcolonial histories}.

\textsuperscript{16} There is a lot of literature on this topic, including Yang, \textit{Crime and criminality in British India}. Meena Radhakrishna, \textit{Dishonoured by history : "criminal tribes" and British colonial policy} (Hyderabad, India: Orient Longman, 2001). Singha, \textit{A despotism of law : crime and justice in early colonial India}. Pandian, \textit{Crooked stalks : cultivating virtue in South India}.


\textsuperscript{18} Salem Suthesabhimani, December, October 1879, British Library. and Adam Matthew Publications., \textit{Indian newspaper reports, c1868-1942, from the British Library, London} (Marlborough: Adam Matthew Publications Ltd., 2005), microform.
kites in public streets.\textsuperscript{19} In the twentieth century, the police also played a central role in enforcing the Madras Suppression of Immoral Traffic Act, 1930, which penalised prostitution in urban areas.\textsuperscript{20}

But what of the countryside? Outside of criminal tribes policing and suppression of riots – whether nationalist, sectarian, or labour – South Asian historiography is largely silent on the everyday impact of policing on rural society in the first half of the twentieth century.\textsuperscript{21} This owes partly to the nature of the documentary archive which emphasizes moments of police violence over their routine activities. Partly, it owes to the evidence of numbers: the strength of the colonial police was disproportionately small in relation to the population and spread of the Indian countryside.

In this chapter, I argue that this constraint of numbers notwithstanding, the police in the rural districts of southern Madras Presidency did play a significant role at an everyday level in the project of colonial governmentality, by maintaining the stability of the rural social order. Specifically, they often took preemptive action against those belonging to the lower castes and classes who expressed dissatisfaction

\textsuperscript{19} Vettycodeyon, October 1881, ibid.
\textsuperscript{20} Parts of the Act, which penalised persons living on the earnings of prostitution, were applied to urban centres outside of Madras city, including Tirunelveli, Tuticorin and Karaikudi during the 1930s. The Karaikudi Vigilance Association, established in February 1937, had, by early 1938, arranged for four successful raids with police officers, resulting in the filing of 16 cases, of which 15 had ended in conviction and one was still pending. G.O. 6076 (ms), Home, 19 December 1938, G.O. 3109 (ms), Home, 21 June 1938, TNA.
with their lack of rights to land and social privileges. Police action in such instances de-escalated the conflict, and prevented disaffection from erupting into more violent protests. This subtle, routine policing was as integral to reproducing social order as were the more spectacular displays of police power.\(^{22}\)

The role of the police in monitoring criminal tribes and in suppressing riots is hyper-visible: in legislation, legislative assembly debates, newspaper critiques, police records and, concomitantly, in the historiography. This chapter uses somewhat hidden sources in combination with the more conventional ones to reveal the disciplinary aspect of police power. These include records maintained at police stations, records which therefore never make their way to an archive and are not easily accessible to the public. I draw upon records dating from the 1930s maintained at six police stations in Tirunelveli district, which, between them, cover about fifty villages and several dozen hamlets, to study police practice at the most locally documented level. Police station records, which contain journal entries on the beat, attest to the disciplinary role played by the police, something not as immediately apparent in the commonly used archival records pertaining to the police, such as the annual *Police Administration Reports*, judicial records, correspondence between the government and the police department, and so on. Further, unlike the governmental archive which is dominated by writings of

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\(^{22}\) Dalit and human rights writing typically place the Thevars and Dalits of the southern Tamil districts as permanently antagonistic castes. A stronger engagement with the colonial police sheds a different light on this dynamic, for it shows both castes as objects of colonial policing, albeit of different kinds. While Thevars were a criminal caste, Dalits were objects of everyday, disciplinary policing. For works that discuss the antagonism of Thevars and Dalits, see "Broken People: Caste Violence against India's Untouchables," (New York; Washington; London; Brussels: Human Rights Watch, 1999). S. Viswanathan, *Dalits in Dravidian land: Frontline reports on anti-Dalit violence in Tamil Nadu, 1995-2004* (Pondicherry: Navayana, 2005).
European police officers who were at a distance from rural society, station-house records were written by Sub-Inspectors, who were usually Indian. This rank of policeman was a curious intermediary between officer and constable, neither hired through the prestigious service examination nor risen from the ranks, but directly recruited and trained by local governments.\textsuperscript{23} To that extent, he exemplified a subject who belonged both to rural society and to the class of rulers that stood above it.

The distribution of beats and station-houses was central to channeling police resources optimally within the continuum of policing requirements that was driven by the need to maintain order. At one end of the spectrum, policemen on the beat routinely used surveillance to prevent discord from either escalating into violent conflict that would attract political attention, or entering the judicial domain for resolution. At the other end, they assessed situations (e.g. villages “prone to communal violence” or “agitated crowds”) which needed high levels of police control and, concomitantly, of deployment of state force. In this respect, policemen were everyday arbiters of how the force of the law would be applied on a citizen-subject. As gatekeepers of the law, their acts of omission or commission could determine whether a legal subject could access legal recourse or not. Understanding where and when the police were present, and how they expanded into the hinterland, thus helps us understand the way in which the colonial state brought new regions into a space of law and order.

The space of colonial law and order which policing supported was also the space of a colonial political economy. Station-houses were built and beats designed in response to a number of factors including the network of roads and railways, and more broadly, concentration and circulation of people and goods and the pattern of agrarian settlement. The police thus marched into the Tamil countryside bringing, as it were, a new logic of colonial power with them.

In the following pages, I show how police presence on the Tamil landscape was more mobile than an understanding of the layout of station-houses as stationary and scattered would suggest. As opposed to having their movements restricted by fixed police stations, I argue that the police built a dynamic institutional memory of “criminal” and “unimportant” places which modulated their beat and determined whom they would police and how. By being flexible in their operations, the police deployed a range of techniques, from mere watching to intimidation to coercion, all of which ensured that the rhythm of a social and political order that depended on settled agriculture and trade stayed largely uninterrupted.

The cartographic imagination

In 1860, the Government of India appointed a commission whose recommendations were implemented as the Indian Police Act, 1861, which would act as the blueprint for police organization across the country.24 In a detailed memorandum to the commission, the government described the ideal spatial

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24 Madras Presidency had already passed a District Police Act in 1859, whose features were largely incorporated in the Indian Police Act, 1861.
organization of the police. This was imagined as an evenly distributed, radial one where an officer at any level could superintend all his subordinates: “each officer’s area should decrease with his rank, till those in immediate charge of the constabulary of any one district ought to be able to reach any police post at a stretch within the day.”

This cartographic imagination of an evenly spread police force was repeated in the second Police Commission, popularly known as the Fraser Commission of 1902. In 1905, the Government of Madras, in line with the Commission’s recommendations, undertook a massive project to reallocate police stations across the Presidency. Except in the case of large towns, every district was to be divided into police circles, each under an inspector and consisting of 5-8 police stations. Each large town, along with its environs, would form its own circle. In the countryside, each police station, headed by a sub-inspector, would cover an area of about 150 square miles. In addition to police stations, there were to be police outposts for more ‘remote’ areas, under a head-constable. Outposts would provide protection to the people, but would not act as investigating centres of crime. Apart from these, there were policemen for special reserves, cantonments, and for the railways.

The idea of centre and periphery, requiring different levels of policing, was present even in this ideal layout. Towns were central and had their own police

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25 Memorandum accompanying the resolution appointing the Indian Police Commission of 1861. P. Hari Rao, The Indian Police Act (Act V of 1861) and the Indian Police Act (III of 1888) and the Police (Incitement to Disaffection) Act (XXII of 1922) : with commentaries and notes of case-law thereon (Madras, 1927).
26 G.O. 169 (mis), Judicial, 4 February 1905, TNA.
Similarly, station-houses were located near important temples that had large floating populations and witnessed considerable exchange of goods. Railways, the quintessential carriers of people and goods in British India, had their own police force. Rural areas that were well-populated and those that were cultivated were also central. In contrast, those areas with more scattered settlements, and those that were yet to be colonized by agriculture, were ‘remote’. This hierarchy of spaces is indicative of the reach and priorities of the colonial state, its economy and its law, which were invested in the smooth carrying on of agriculture and trade.  

In planning the layout of police stations across the countryside, police officers acknowledged both the ideal of an evenly distributed police force and the reality of a hierarchy of spaces. They achieved this balance by resorting to a language of numbers, which included distances and areas, populations, and statistics of past crime. While the calculation of distances and areas attempted to balance the spread of the police across space, the use of statistics of crime tilted this balance so that the police were concentrated in areas with a high criminal record. The apparent objectivity of crime statistics disguised the fact that in some areas, such as agrarian lands and trade hubs, policemen enforced the law and, correspondingly, registered crime, more diligently

27 Within Madurai district, for instance, Madura town police circle had an area of 9 square miles, while in the adjoining hinterland, Madura taluk circle had an area of 732 square miles, Tirumangalam circle an area of 620 square miles, Uttamapalayam circle 650 square miles, Periyakulam circle 993 square miles, and Sholavandan circle 562 square miles. In neighbouring Tirunelveli district, the inspector argued that though Tinnevelly bridge station, in the town, was small in area it was “the centre of the official and commercial community” and therefore had a sub-inspector to itself. G.O. 750 Judicial 1925, G.O. 1257W, PWD (B&R), 14 November 1910, TNA.

than in others. Furthermore, everywhere, policemen recorded some crimes carefully (e.g. robberies), but disregarded others (e.g. minor, routine forms of caste oppression).

Police officers also drew upon knowledges of property, community, and criminality formed by the great projects of the nineteenth century colonial state viz. legal codification, surveys of agricultural land, and the census, to plan distribution of police resources. The taxonomy of caste and religious community operated in each of these projects to map India in terms of thrifty and laboring castes, criminal classes, bigoted communities, and so forth. This taxonomy was reflected in criminology too to influence police practice during the beat – specifically, whom they monitored, whom they saw as criminal, whom they disciplined, and to whose actions they turned a blind eye.

The following pages discuss in detail the ways in which the police institution – its officers and constables, its documentary records, and its buildings – built a dynamic memory of “criminal” and “unimportant” people and places, to be policed or left alone, respectively. This memory was continually transposed to the landscape in the form of station-houses and beats. The whole process was a circular one, as the

29 See Cohn, Colonialism and its forms of knowledge: the British in India, for how colonial law functioned as an instrument of rule. See Cohn, "The Census, Social Structure and Objectification in South Asia." and Appadurai, "Number in the Colonial Imagination." for how number played a crucial role in the colonial imagination and categorized the native population by community in an effort to better understand and manage them. See Guha, A rule of property for Bengal: an essay on the idea of permanent settlement. for the establishment of ideas of private property and its relationship to stable government in colonial Bengal.

30 Singha, A despotism of law: crime and justice in early colonial India. Pandey, The construction of communalism in colonial north India.
information collected from police stations looped back to harden the knowledge of criminal and unimportant places.

The police on the landscape

The police built their knowledge of criminal places in multiple ways. They generated statistics of crime, maintained records of criminals, collected information on members of criminal tribes, and kept notes on the general population in villages within their precincts. The following sections discuss how each of these methods helped create a police institutional memory of criminal places that required policing, and how this knowledge was translated into police practice through redistribution of station-houses and police beats.31

Crime statistics

Police records of crime, which were indexed to geographical location, helped build an institutional memory of crime that was tightly linked to place. Each station-house had a record of the number of Indian Penal Code crimes it had registered for the year and of the village under its jurisdiction from which these stemmed. The records clearly identified crime with a specific station and its limits, thereby attaching it to a space produced by the state.32 In 1922, the Inspector-General of Police proposed that

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31 For a description of surveillance methods used for moral policing in England in the late nineteenth century, see Petrow, Policing morals: the Metropolitan Police and the Home Office, 1870-1914. These too identified populations to be policed, usually separated by the axes of class and gender.

32 Further, they erased other details pertaining to the crime, such as the class or caste of the offender or time within the year when it occurred, details which could impact which crimes got registered and which did not. Statistics of crime compiled from station-house records thus removed its complexity and presented it neatly in terms of type of crime and place of
this information, maintained in tabular format, also be represented through charts which indicated their geographical distribution. The charts would be drawn on skeleton maps containing village boundaries and reference numbers, main roads, waterways and railways, on a scale of one inch to the mile for rural stations, and a larger scale for urban ones [Appendix B]. Though the government rejected this proposal at the level of the station-house for reasons of cost and complexity, the proposal points to the importance of place in forming police memories of crime.

Responding to the suggestion, government noted that “the sub-inspector ought to know his station intimately and be able to say where crime take place and so on without having to refer to a map.” In 1927, police officers again proposed the use of maps for criminal surveillance, and each district was supplied with about a hundred maps per year (showing police station limits), in an acknowledgment of the importance of mapping criminality.

This memory of criminal and quiet places did not just stay on paper; it was transposed onto the landscape in the form of constantly shifting lines of police jurisdiction. Villages were moved from the jurisdiction of one police station to another, and stations were shifted from being a part of one police circle to another, in an always unfinished attempt to balance the load of police stations and circles. For instance, when a whole-scale reallocation of the Tirunelveli and Madurai police forces were undertaken in 1925, the average load of each station within these districts was

ocurrence, a representation that made its way to the opening page of the annual Police Administration Reports, with which we began this chapter.

33 G.O. 1364 Judicial 5 December 1922, TNA.
34 G.O. 600 (mis), Judicial, 7 December 1928, TNA.
considered, and villages and constables shuffled between them to achieve the desired balance.\textsuperscript{35} To take just one of several changes made, some villages from Ambasamudram station, which conducted an average of 87 criminal investigations per year, higher than the desired number, were transferred to Kadaiyam station, also within the same circle, which dealt only with 43 investigations per year. In 1933, the Sanarpatti police station was shifted from Dindigul circle in Madurai to Vedasandur circle, since “the Dindigul circle as hitherto constituted has proved unduly heavy while the Vedasandur circle has been comparatively light.”\textsuperscript{36} In another example, several changes to police jurisdictions made in a 1936 reallocation of Tirunelveli district were abandoned as early as 1938 as inspectors experienced difficulties “in practical working”. Among other changes, two villages attached to the Seidinganallur police station, a heavily loaded one monitoring 22 villages, were transferred to Thattaparai station, which only had 14 villages.\textsuperscript{37}

Statistics of crime impacted not only station-house jurisdictions, but also the path and frequency of high road patrols, which were intended to prevent theft. The Sankarankovil road had four constables patrolling it and the Kovilpatti road two, as a measure against highway offences\textsuperscript{38} Following the anti-Nadar riots of 1899, the government transferred the headquarters of the sub-magistrate and Inspector of Police from Tiruchuli, “a miserable little place having a population of only 3700” to

\textsuperscript{35} G.O. 750 Press, Judicial, 28 December 1925, G.O. 753 Press, Judicial, 28 December 1925, TNA
\textsuperscript{36} G.O. 3 (ms), Public Police, 3 January 1934. For other examples, see G.O. 750 Press, Judicial, 28 December 1925; G.O. 753 Press, Judicial, 28 December 1925, TNA.
\textsuperscript{37} G.O. 3496 (ms), Home, 15 July 1938, TNA.
\textsuperscript{38} G.O. 753 Judicial 1925, TNA.
Aruppukottai which, in contrast, had a population of 15,000, and was the centre of Nadar trade.\(^{39}\) Extensive provisions were made to increase the security of the 10-mile road between Aruppukottai and Virudupatti, the next big Nadar centre, including erecting a station midway between the two towns, and constant patrolling of this road.

**Registers of criminals**

As in the case of a crime, the identity of a criminal was also tied to a police station. In fact, in 1922 the Government of Madras ordered that the term “Village Crime Notebook”, used to describe the record of crime and criminals, be changed to “Station Crime History” linking, as it were, the locality with the police station, and relocating the point of surveillance from scattered villages to a nodal police station.\(^{40}\)

As part of its Station Crime History, every police station maintained a “Register of Active Known Professional Criminals”. This register included convicted persons as well as those unconvicted but “known to have been concerned in an offence or offences, who, had they been convicted, would have been brought on the register.”\(^{41}\)

In addition to the register, the station also maintained a history-sheet for every habitual offender, which recorded their name, age, parentage, caste, history, and movements.\(^{42}\)

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\(^{39}\) Once known as the Shanars, an almost-untouchable caste, the Nadars took advantage of opportunities available in the late-nineteenth century to re-invent themselves as a caste of higher social status. They embraced education offered by Protestant missions and, abandoning their traditional, ‘unclean’ occupation of toddy-tapping, began practicing trade. Higher castes like Maravars and Konars resented these pretensions, as they saw it, and there were periodic outbursts of anti-Nadar violence till as late as the 1930s. Robert L. Hardgrave, *The Nadars of Tamilnad; the political culture of a community in change* (Berkeley,: University of California Press, 1969).

\(^{40}\) G.O. 1364 Judicial 5 December 1922, TNA.

\(^{41}\) G.O. 1364 Judicial 5 December 1922, TNA. The orders of a gazetted officer were required to bring an unconvicted person to the register.

\(^{42}\) This format was recommended by the Fraser Commission.
Convicted persons were kept on the station register, and history sheets maintained for them, for as long as fifteen years after the expiration of their last sentence, or until death. In addition to written records, some districts maintained a record of those who needed to be watched on maps too.

The purpose of maintaining a register of criminals was to ensure police surveillance, whether from a station-house or through the beat. The Fraser Commission of 1902 advised that recordkeeping and surveillance were essential for crime prevention: “in order to deal effectively with crime it is necessary to have a continuous record of the criminal history of individuals and localities… surveillance should be restricted to persons whose conduct has shown a determination to lead a life of crime.”

There was a typology to the persons who needed to be policed, which included categories such as the suspected criminal, kavalgar, Notified Member, Habitual Offender, Bad Character, and Known Depredator (referred to as the K.D.). While some of these terms were used interchangeably, the typology of criminals sometimes translated to police practice: some warranted a closer and more frequent watch, while others could be monitored less frequently. See for example, the map of Mudukulathur which was used to plan a re-allocation of police resources in Ramanathapuram district.

44 The acronym K.D. was so commonly used that it slipped into spoken language as a Tamil word. E.g. Kedi Billa Killadi Ranga is the name of a Tamil film released in 2013. ‘Notified member’ referred to someone notified under the Criminal Tribes Act, 1911. Kavalgars were native police that the state had criminalized. A habitual offender was someone who had been convicted for more than one crime.
in 1930 [Appendix C]. The map contains the boundaries of each village, and the number of people to be policed in each, broken down into numerous, seemingly fine, categories, such as Marava population, Marava conviction, Non-Marava Conviction, those Suspected in Cases, those needing a Close Watch, and those who only warranted a Non-Close Watch, with legends for each of these categories. Papangulam village, for example, had 170 MPs, 8 MCs, 1 NMC, 8 Ss, and 12 CWs. Each station in the map was staffed, and some police outposts established, upon aggregating these numbers and calculating the distance to be covered on the beats. “A glance at the chart will… show how arduous will be the duties of the staff provided in maintaining control over the numerous criminals who have to be kept under surveillance,” said the Inspector-General.

The Mudukulathur map shows not only the number of criminals to be policed in each village, but also the roads and cross-country paths taken from the station-house to these villages, with arrows radiating out from large police stations to crime-prone villages. Police beats were especially important in Mudukulathur, where the government had rescinded the Criminal Tribes Act (henceforth “CTA”) for the local Maravars in 1929, and instead proposed that “what was needed in this tract of country was the construction of roads and the opening of police stations.” But even apart

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45 This particular circle map contained such detail, probably because parts of it were under the Criminal Tribes Act, 1911. But it also indicates how it was imagined as a criminal space. See chapter V for an examination of the Mudukulathur riots in 1957.
46 Maravars were a local caste classified by the government as criminal.
47 G.O. 243 Public Police 1930, TNA.
48 G.O. 151 (mis), Law, 22 January 1929 and Memorandum no 583-1, Judicial, 22 February 1929, cited in G.O. 243 Public Police 1930, TNA
from Mudukulathur, which was seen to require special policing, the term “itineration”
featured prominently in all planning documents, and roads and railways were depicted
on all police maps.\(^{49}\)

The number of criminals that needed to be monitored was central to
determining the location and staffing of stations and the route of the beat.\(^{50}\) Going on
beats to monitor K.D.s was one of the principal functions of constables whose other
tasks included patrolling the high roads, guarding the treasury and sub-jail, writing
journal entries, and escorting prisoners: around a third of constables in the southern
districts were staffed specifically for beat duty.\(^{51}\) The number of K.D.s in different
villages was frequently cited to plan the location of stations. Asking for the
establishment of a police outpost to Munnirpallam station in Tirunelveli, the Inspector
General asserted that crime in the locality was fairly heavy and that “some eight
surveillance K.D.’s who could not, except with difficulty, be properly checked from
Munnirpallam, reside in the adjoining villages.”\(^{52}\) Police jurisdictions were frequently
realigned to make the beat less arduous. For instance, Kuliyaneri and Anaikulam
villages, 12 miles away from Kadayanallur station, to which they were connected only
by a cart track impossible to traverse during the rains, were moved to a different

\(^{49}\) Other examples include G.O. 590 Public Police 1930, TNA, and other maps in G.O. 243
Public Police 1930, including one that only lays out the road network.

\(^{50}\) The term K.D. seems to be used in these records either interchangeably with other criminal
classifications, or as an umbrella term for the various categories.

\(^{51}\) In the 1925 Tirunelveli reallocation, 31% of all constables hired were for K.D. beats and
17% to patrol the high roads, while the corresponding numbers for Madurai district were 16%
and 8% respectively. In addition, constables were also allotted to ‘miscellaneous beats.’ G.O.
750 Press, Judicial, 28 December 1925, G.O. 753 Press, Judicial, 28 December 1925, TNA

\(^{52}\) G.O.753 Press, Judicial, 28 December 1925, TNA. This and G.O. 750 Press, Judicial, 28
December 1925 have several similar examples.
station in 1938, at a distance of only 6 miles from the villages. Vagaikulam outpost, 6 ½ miles on an inaccessible route from Tattaparai station, was transferred to a different, more accessible, station.

Of course, the very level of detail in these maps and plans, the very frequency with which police jurisdictions were changed to better discipline suspected criminals, suggests as much the anxiety and uncertainty of colonial control over the spaces of the countryside as it does the actual extent of surveillance. At the same time, police control was by no means an illusion. Scores of references in the station-house and judicial records point to actual situations, and not simply proposals and plans, where the police did watch over the behavior and movement of suspected criminals.

Calculations for police surveillance were astonishingly localized. For instance, in 1930, the Inspector-General budgeted two constables for Tirupattur station, who would be sent to patrol two villages within its limits, Kandavirayanpatti and Nachiapuram, employing nine and seven kavalgars respectively. Likewise, he suggested increasing the strength of the Neikuppai station, whose two beat constables were fully occupied monitoring the 15 bad characters registered in the adjoining three villages. Sikkal station had 38 bad characters and four criminal tribe members residing in five villages, and needed four constables to check them, while Sayalkudi station had 29 bad characters residing in four villages, and therefore needed four beat

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53 G.O. 3496 (ms), Home, 15 July 1938, TNA. For more examples, see G.O. 467 (ms), Public Police, 31 August 1935, TNA.
54 G.O. 243 Public Police 17 April 1930, TNA. Kavalgars were police that the state had criminalized, and one among the many types of criminals deemed to need surveillance.
constables. Police officers considered it vital to patrol such areas which had registered criminals and criminal suspects, however few in number. This was usually at the cost of other swathes of land – forested, mountainous, or, simply, ‘quiet’ – which didn’t need a regular police beat.

**Criminal tribe policing**

As seen in the examples above, police surveillance was pronounced in places like Mudukulathur, which were dominated by those classified as criminal tribes. The Criminal Tribes Act was extended to Madras Presidency in 1911. In the southern districts, the castes that were principally affected by the CTA were the Koravars, Kallars and Maravars. Of these, the latter two participated in a system of informal village policing, called *kaval*, criminalized by the colonial government by the early nineteenth century. This knowledge of *kaval* as criminal, and *kavalgars* (the participants) as criminals, was created and perpetuated through colonial anthropology and frequent governmental directives aimed at eradicating the system. Kavalgars inevitably found their way to the police registers as criminals and criminal suspects. Station-houses were established, and surveillance beats laid out to police *kavalgars* in

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55 G.O. 243 Public Police 17 April 1930, TNA.
56 *Kaval* skirted the line between pillage and protection. In some cases, *kavalgars* (policemen) were regularly paid by villagers for their security; in case of theft, they retrieved the goods or reimbursed the victim. In others, villagers paid the policemen fees to be exempted from theft. In most colonial writing, *kaval* was depicted as a form of extortion that had flourished in the political chaos of the eighteenth century, a claim that bolstered the legitimacy of colonial rule. The colonial government attempted to eradicate *kaval* for over a century, with no success.
57 For the interplay between colonial anthropology and governance in objectifying caste identities, see Dirks, *Castes of mind: colonialism and the making of modern India.*
particular, and Maravars and Kallars in general. The increased policing of villages inhabited by these castes led to an increased registration of ‘crimes’ committed by them, in turn leading to the classification of such villages as criminal, thus closing a hardening loop of criminality and policing. Thus police practices drew upon discourses of criminality even as they strengthened them.

For instance, most police stations that I visited had on their files something called a “Marava Form” [Appendix D]. This form very likely was restricted to police stations within Tirunelveli and Ramanathapuram districts, where Maravars were a dominant caste. It was probably used for a brief period, of around three decades (1920s-40s), when the CTA was in force in Madras Presidency. It thus captures a very historically specific enactment of the broader discourse on criminal castes.

The form listed eleven questions, whose answers were filled in by the station sub-inspector and certified by the circle inspector. The information it gathered was on the kaval system in that village – whether it existed, who its beneficiaries were, and who its victims. Specifically, the form listed the number of houses in the village by caste, the name and caste of village officials, and their attitude towards Maravars. Having thus categorised the village according to caste, it assumed the existence of “Marava oppression” and proceeded to elicit information on that score: did Marava oppression arise from kaval, did the villagers consent to kaval or resent it openly, would the oppressed villagers depose against Maravars, what was the caste and

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58 Interestingly, there was a third caste, called Naickers, who also functioned as kavalgars in this region. But for reasons I have been unable to fathom, Naickers were not criminalized in colonial discourse – not in anthropological works, government policy initiatives, or police records.
economic status of the oppressed, was there faction in the village on account of kaval, and so on.

Responses to these questions varied across the villages and followed no clear pattern, and are of little help in estimating the actual prevalence of kaval at the time. However, they do show the categories in which police functionaries began to think about caste, kaval, and crime. For instance, several answers on whether kaval existed in a particular village are a simple “nil.” Yet, others had confused answers that presumably were informed by the questions. The information for Mavadi village claims twice that there was “no kaval system” and yet asserted that “Maravars will commit any type of crime if kaval is refused.” Likewise, the form for Keezhapillayarkulam village declares that “there is no oppression by Maravas” but that the village munsif Rangasubbaraya Iyer “is afraid of the Marava” and that “somebody will come out boldly to depose against the Maravas.” For Kokkulam village, the inspector stated that there was “no Marava oppression and no kaval”, had a brief “nil” for most questions on Marava kaval oppression in the village, and yet claimed that the villagers were “ready to repose in police cases against Maravars if offered police backing.”

59 Of the census, Cohn writes that “through the asking of questions and the compiling of information in categories which the British rulers could utilize for governing, it provided an arena for Indians to ask questions about themselves.” Cohn, “The Census, Social Structure and Objectification in South Asia.”
60 Manur police station Mavadi village records, 10 May 1943
61 Manur police station Melapillayarkulam village records, 1943
62 Panavadali Chatram police station, Sayamalai Valasai - Kokkulam village records, 10 February 1946.
The questionnaire brought together identities of caste and property holding, and wove them into criminal categories that permitted policing. Question 8, which read “What are the names of the leading oppressive Maravars and have they any means of livelihood other than oppression?” exemplified this. Concomitantly the responses often tied together these elements, enabling native appropriation of the enmeshed categories of caste, economy, and criminality. For instance, Pallikkottai village had no *kaval* system, according to the form, but

> if *kaval* is refused the *kavalgars* give unnecessary trouble by impounding cattle, maiming them or administrating poison to them. They also destroy the standing crops of the villagers… *Kaval* oppression and property crimes and setting fire to the houses are the work of the Maravas in this village… Most of the Maravas in this village have no means of livelihood except by the oppression committing property crimes, threatening extortion and setting fire to the houses and will commit any type of crime.\(^\text{63}\)

Despite their standardised format, the Marava forms from Tirunelveli, as seen in these examples, depict a complex situation on the ground. Documents from the next level of police officers however translate this messy data into accessible statistics and neater narratives of oppressive Marava *kaval* that needed to be policed and uprooted. Discussing *kaval* in neighbouring Ramanathapuram district, the Inspector-General of Police noted in 1929 that

> in the 20 villages for which statistics have been gathered, there are 256 *kavalgars* receiving payment annually of Rs.14310. This gives an average payment of Rs.4-8-0 a *kavalgar* each month. These figures will convey some idea of how formidable is the system that has grown up and has now to be displaced by the

\(^{63}\) Manur police station Pallikkottai village records, May 1943
provision of a number of police sufficient to protect the villagers of Chettinad from the… intimidation and extortion of the criminals in their midst. 64

These statistics were used in a police effort to eliminate kaval and influenced the placement of station-houses and men across Ramanathapuram. For instance, a new station was opened in Kadaladi, “the centre of Maravanad,” with an outpost seven miles away, covering an area of 125 square miles. The inspector noted that there were 132 bad characters within the station limits who would be monitored through beats, undertaken to each of their villages as often as thrice a week. 65

Police planning was influenced in more direct ways too by the criminal caste discourse. For instance, in 1888, proposals for the general reorganisation of the Madras Presidency police recommended the increase of policing specifically in the Tenkasi, Nanguneri, Ambasamudram and Tinnevelly taluks of Tinnevelly district “owing to the strong and troublesome Marava element which they contain.” 66
Likewise, in the Ramanathapuram police reallocation of 1922, an existing outpost of Devakottai station was abolished as it “served no useful purpose”, while a new one was opened in Akramesi, which was “infested with Marava dacoits and cattle thieverson. 67 And extra policing was provided for Ramanathapuram in 1932, since the district was “a heavy one notorious for its longstanding communal factions and subject to widespread depredations by wandering criminal tribes men.” 68

64 G.O. 243 (ms), Public Police, 17 April 1930, TNA.
65 G.O. 243 (ms), Public Police 17 April 1930, TNA.
66 G.O. 2508, Judicial, 5 December 1888, TNA.
67 G.O. 846 Press, Judicial, 7 July 1922, TNA.
68 G.O. 159 (ms), Public Police, 23 March 1932, TNA.
Marava populations were subjected to heavy policing, even when they were not officially notified under the CTA. In 1907 Maravars of a few villages in Madurai district conducted nightly meetings “to improve the moral status of the community.” In 1907 Maravars of a few villages in Madurai district conducted nightly meetings “to improve the moral status of the community.”

Innocuous as the occurrence was, numerous letters were exchanged between magistrates, tahsildars and police officers who “scent(ed) a breach of the peace”. The police were asked to keep an eye on the movement and some of its participants were bound over.69 The Thazhiyoothu station inspector noted in 1937 that “the maravars of this village and the adjoining village of Kurichikulam are a troublesome lot and require constant police attention.”70 In 1923, it was seen as a relaxation of policing when about 50% of the notified Vaduvarpatti Koravars in Ramanathapuram district were directed to report themselves at police stations only once on dark nights instead of twice every night.71

Such heavy surveillance of those classified as criminal often meant that cases against them were filed relatively promptly as compared to crimes that occurred in less policed spaces and communities. The inspector of Sankarankovil station noted in 1942 that “Maravars of Irumangalam, as a class, are a notorious lot… Many members were concerned and booked in connection with the crimes of 1938 and 1939 in particular…”72 Almost five years later, he clung to his beliefs, notwithstanding

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69 “Binding over” was part of the security sections of the Criminal Procedure Code. These sections allowed for preventive action to be taken by the police and magistracy where they feared what was termed “a breach of the peace.” Ramnad Collectorate file 66/ 1908 dated 28 January 1908, District Record Centre, Madurai.

70 Thazaiyoothu police station Naranammalpuram village records, 22 December 1937. His comment on 14 May 1938 was a simple ‘ditto.’


72 Sankarankoil police station Vadakkupudur village records, 1942
evidence to the contrary. “The Maravars of Irumangalam still continue to be a bad lot. Though there was no instance of their open participation in crimes and in violence one cannot say that they have reformed their character,” he wrote. Likewise, the Thazhiyoothu station inspector noted in 1943 that the Maravars of Naranammalpuram village should be registered as suspects for some petty thefts that had occurred in the village, and be watched closely.⁷³ Well after the CTA was repealed, the Manur station inspector filed cases against the indigent Maravars of the village who had participated in “illicit tree cutting” in the village poramboke i.e. the village wasteland. Here was a clear case where earlier options of livelihood for those without land was criminalised and, importantly for this chapter, where the police immediately enforced the law criminalising it.⁷⁴

In addition to routine surveillance, Maravars were also at times subject to “punitive policing.” Sanctioned by the Police Act, 1861, this involved the temporary quartering of additional police, at the cost of local residents, in areas deemed by the government to be “in a disturbed or dangerous state.”⁷⁵ For instance, following the Maravar-Nadar riots of 1899, the Inspector-General recommended the instalment of punitive policing in Madurai claiming that the area “swarms with Shanars and… Marava dacoits.”⁷⁶

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⁷³ Thazaiyoothu station Naranammalpuram village records, 8 June 1943.
⁷⁴ The inspector boasted that the tree cutting “was well prevented by (him)”, presumably a translation from the Tamil indicating the effectiveness of his intervention. Manur police station Kalakudi village records, 15-2- 1952.
⁷⁵ The Police Act, Act V of 1861. Section 15.
⁷⁶ G.O. 704 Judicial, 1900 in G.O. 2113w, PWD, 6 August 1900, TNA. Nadars were also called Shanars. For other examples, see G.O. 256-7 W, PWD (B&R), 24 January 1902, G.O. 2874 W, PWD (B&R), 16 October 1902, TNA.
Routine village policing

While the policing of criminal tribe members was extraordinarily harsh, it did not stand in isolation of other regular, albeit less visible, practices of rural policing which extended to the larger population. Police resources had to be channelled carefully to effectively police the vast countryside, and towards this, the police built a record of crime that informed and optimised their presence. Notwithstanding the obvious differences in harshness and extent of policing, routine policing of the countryside shared similarities with criminal tribe policing. Firstly, it was driven by the same concern to maintain a social order that was based on property ownership. Secondly, and relatedly, police officers drew upon the same discourses of community, property and criminality to build a knowledge of the village community to be policed.

Every police station in Madras Presidency was required to maintain a narrative record on each village within its precincts. Known as the Part IV records, these contained “notes on important factions and disputes, especially between castes and communities, and regarding the commissions of serious breaches of the peace.” In short any information which may be useful to a new station-house officer, having no previous experience of the station, should be entered in this register.” As opposed to the other parts of the register which could be periodically destroyed, the Part IV records were meant to serve as a continuous record of the jurisdiction of each police

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77 I.e. Part IV of the Station Crime History mentioned earlier. Part I of the Station Crime History listed the crimes that had been registered for that year; Part II was a schematic map of the station limits and indicated the geographic distribution of crime; part III was a register of the known criminals within that area.

78 G.O. 1364 Judicial 5 December 1922, TNA.
station. Also, unlike the other sections of the Station Crime History which were tabular or cartographic, part IV was expected to contain notes, thus allowing for greater discretion from the local inspector.\textsuperscript{79}

The form for the Part IV record did not ask for a date, and sometimes the opening entry was not dated either, strengthening the impression that the record captured an image of an unchanging village.\textsuperscript{80} See, for instance, the record for Pallamadai village, attached to Manoor station.\textsuperscript{81} After listing the names of the four village officers, it describes the village succinctly, as follows:

This is a small village, consisting of a few houses of Pallas, Shepherds, Nadars and Muhammadans. Pallikottai Maravas were doing kaval for this village and now it has been completed stopped and so this village is often troubled by Pallikottai maravars. This depends upon a fairly big tank lying near for agricultural purposes. Police informants: 1. Thalayari Sankarasubbu Thevan, 2. Velliah Kone.\textsuperscript{82}

The note is signed by the inspector but not dated.\textsuperscript{83} The details that the inspector chose to include in this four-line note are indicative of where the police saw

\begin{footnotes}
\item[79] The government order laying out these rules prescribed the sample format for the other sections of the register but none for part IV, except a brief header titled ‘General Information’.\textsuperscript{80} The influence of the colonial idea of the autonomous and unchanging village community is seen in this police measure of maintaining continuous village notes. See David Ludden, "Orientalist Empiricism: Transformations of Colonial Knowledge," in \textit{Orientalism and the postcolonial predicament: perspectives on South Asia}, ed. Carol Appadurai Breckenridge and Peter van der Veer (Philadelphia, PA: University of Pennsylvania Press, 1993).
\item[81] Manur police station Kanarpatti village records.
\item[82] Interestingly, even as the short paragraph fits in some measure within larger colonial discourses of community and property, it displays the messiness of immediate, local knowledge (similar to the Kaval forms discussed in the preceding section). The policeman categorizes the villagers into Pallars, Shepherds, Nadars and Mohammedans – two caste categories, one occupational category, and one religious.
\item[83] Similar cases of undated signatures following the opening part IV information is found for Taghanallore village, Mavadi village, Manur village, and Pillayarkulam village, all in Manur station.
\end{footnotes}
need for their intervention. *Kaval*, as mentioned earlier, was criminalized by the colonial government and policed vigourously. Tanks were the primary source of irrigation, and presumably of conflict too, in dry Tirunelveli (unlike in neighbouring Madurai which had begun to be watered by the channels of the massive Periyar Dam from 1898 onwards).  

In addition to the open-ended section, some of the stations contained a typewritten form as part of the Part IV record. This form took the shape of a questionnaire, and indicates the sort of information that the Part IV record elicited [Appendix E]. In particular, it reflects the attempt to map the village in terms of its geography, communities, and spaces that needed extra surveillance. The form asked for the geographical position of the village, its population, (which was listed by community), “names of village officers and their character”, prominent communities and their leaders, factions, “miscellaneous bad characters”, festival and market days, *kaval* details, police informants and special features of crime for which the village was noted. Even when the Part IV record didn’t contain this form, the opening descriptions for the villages provided similar information. For example, the opening description for Manur village mentions the location of the village relative to the large towns, key people whose activities needed to be monitored, and festivals that needed to be policed.

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84 Land and, specifically, Periyar-related disputes abound in the Madurai judicial archive of the first half of the twentieth century.
85 Panavadali Chatram police station Sayamalai Valasai village, Panavadali Chatram police station Kokkulam village, Sankarankoil Taluka police station Vaadikkottai village, Sankarankoil Taluka police station Vadakkupudur village records. This form was probably not circulated by government across all districts, but was specific to some.
This is a small village situated 9 miles north of Tinnevelly on the Tinnevelly Sankarankoil road. Pallars form the bulk of the population. There is a strong ill feeling between the VM who is an acting man from Tinnevelly and the karnam the permanent resident of Manur, in which one is trying to entangle the other in some criminal case or other. Both the village officers do not cooperate with the local police. There is an ayurvedic dispensary maintained by the Tinnevelly district board. Treatment in this dispensary is offered free. There is a temple which gets an annual income of Rs.4000 which is under the management of the Tinnevelly temple committee. One Shunmugasundram Pillai is the manager of the temple. Every year in the Tamil month of Avani a festival called Moolam is celebrated and a lot of crowd from the neighbouring villages of other taluks visit. 2 constables are usually deputed during the festival for bundobust. Pickpockets are likely to visit. The police station is the only government building in this village. There is no other thing worthy of mention. [Sd. IP, Tinnevelly].

Apart from detailing spaces and people to be watched, the description also made it clear that the rest of the village (men who beat their wives, landholders who exploited the low-caste Pallars) did not merit police surveillance: “there is no other thing worthy of mention.”

Opening remarks like the one cited above were followed by periodic updates (a few times a year) filled in by successive police inspectors. These were brief reports on suspected criminals in the village who needed close surveillance, on crimes that were

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86 Pallars are a local Dalit community.
87 Village officers - VM (Village Munsif) was the headman and the karnam was the accountant.
88 Bundobust means preparatory arrangements; the word is drawn from Persian and was central to the police vocabulary, even in Tamil-speaking Madras.
89 Manur police station Manur village records, date probably c.1932
brewing or had occurred, or on tensions between caste communities that needed to be smoothened. Together, they formed a continuous, documented history of crime, or the lack of it, in a village. For the historian, the journal offers a glimpse of moments when colonial subjects challenged, or displayed, authority in ways that were violent and visible to the state. For policemen, who wrote and read these records, the journal shaped their knowledge of crime and, consequently, their policing practices – specifically, the direction and frequency of their beat.

While some entries in the Part IV record indicated that there was nothing requiring immediate police attention in that village, others warned of crimes that were brewing and had to be prevented, while the rest described crimes that had had occurred and were being investigated. It is the cadence of the first two of these three types of updates that points me towards the role of police disciplinary power in preventing animosities, often of lower castes, from escalating into conflict.

Such animosities were usually on one of two issues: right to land and harvests and, far more often, ritual or social privilege. The nineteenth century in Tirunelveli was a period of unprecedented deforestation and expansion of agriculture, and land was a common source of dispute in the twentieth century.\footnote{Stuart, \textit{A manual of the Tinnevelly District in the Presidency of Madras}. p. 10. For a sample of land-related legal disputes from Tirunelveli, see 4 rev/15, 30/12/1914, DRCM, G.O. 536 (ms), Revenue, 10 March 1954, GO 900 (ms), Revenue, 8 April 1954, TNA. IOR/L/P&J/7/10164, British Library.} It became, in particular, a point of caste conflict since land ownership was often aligned with caste identities: as of 1879, a large part of the land was held by Vellalas, Naiks, Reddies, Rajus and Brahmins, all of whom were high castes, an increasing number of Maravars were
becoming land owners from being tenants, while a third of the male Parayars (Dalits) were engaged as labourers.\textsuperscript{92} The position hadn’t changed by 1932, when a “majority of field labourers, very many of the tenants and a few of the pattadars” were Dalits in Tirunelveli.\textsuperscript{93}

Police and governmental records rarely mention agrarian revolts in the southern Tamil districts in the first half of the twentieth century. This historiographical silence on agrarian protest movements does not necessarily imply the absence of protest until the 1950s; police records offer a few glimpses of cultivators protesting against the combined authority of landlords and policemen, suggesting that the police may have played a quieter, more everyday role, in keeping agrarian conflict in check in the period before 1947. For instance, in 1934, tenants of a village in the Sivaganga Zamindari attacked estate officials who were executing distraint warrants against them, and the police, who were supporting the estate officials.\textsuperscript{94} Pallars of Chatramkudiyruppu village petitioned the police in 1938 accusing the Maravars of the village of extortion, arson, and “outraging the modesty” of their women.\textsuperscript{95} The police enquired into the matter and determined that the allegations were false and stemmed, in fact, from a dispute between the Pallars and the Maravars over land. The Pallars had struck work demanding a higher share of the yields, and when the landlords refused

\textsuperscript{92} Ibid. Pp. 15-16
\textsuperscript{93} Asserted “without any fear of contradiction” by a witness before the Indian Franchise Committee, R.Sivarama Ayyar, an erstwhile High Court advocate and subsequently an agriculturist in Tirunelveli. Indian Franchise Committee, Madras Evidence File, 1932. IOR: Q/IFC/19, British Library.
\textsuperscript{94} The police opened fire on the protestors. Report on the Administration of the Police of the Madras Presidency. 1934.
\textsuperscript{95} Thazhiyoothu station Chatram Kudiyruppu village records, 1938.
this, the Maravars of the village had stepped in offering their labour instead. In retaliation, the Pallars had filed false complaints against the Maravars; they had also compromised their differences with the landlords and began to cultivate the lands as before. Making his notes in the station records, the inspector cautioned his deputy to “be in touch with the state of feelings during the cultivation season every year.” The Pallars sent similar petitions the following year, and they were once again dismissed as exaggerations. The police here used a combination of tactics to defuse the situation. First, they refused to register a case against the Maravars, acting, as it were, as the gatekeepers of the law. Second, they increased their presence in the village during harvest time that year and the next, to ensure that nothing happened to threaten the agricultural order.

After 1947, and specifically, in the 1950s and ‘60s, there was a short lived attempt, often under the banner of the Communist Party of India, for land rights to labourers in Tamil Nadu. These were largely suppressed by the landlords, usually with the connivance of the state and its police. Therefore, police intervention in this period often entailed use of open force. For example, in 1948, *kisans* in several villages in Ramanathapuram district refused to pay rent, provoking the state to station its armed police in the villages. In 1949, there was a confrontation between the

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96 Notorious among these was the Kilavenmani movement, in Tanjavur, which ended in the massacre of around 40 Dalit labourers in 1968. The Tamil Nadu government was stridently opposed to the CPI, and consistently put down its campaigns. See Chapter 4 for more on this. 97 The police attributed the protest to “Communist instigation.” There were other such instances reported in annual police reports of these decades. In Tirunelveli in 1956, “on the interference of the members of the Communist Party, a Harijan transplanted paddy seedlings in the field of one Linga Nadar in a festive way,” provoking a violent confrontation between 200 Nadars and the Dalits of the village. *Report on the Administration of the Police of the Madras Presidency*. 1948, 1956, 1960. See also S. Anandhi and Indian Social Institute
police on the one side, and communists and cultivators in Podambu, Madurai, regarding the system of leasing out land to intermediaries. In 1954, the landlords of Pappankulam village, Tirunelveli, got police protection from protesting labourers who had fallen “prey to the communist propaganda.” In 1969, CPI members in Chinnamanur went on strike protesting against a landlord’s violent attempts, which included use of the police, to evict a labourer.

But the postcolonial state’s intervention in agrarian dispute did not only occur at the moment of violent protest. Police surveillance was deployed more generally to keep protest in check. The language used by the police to describe their intervention in such instances alternates between one of a feigned harmony among stakeholders and one of coercion. In 1957, laboring tenants in Rajavallipuram demanded from their landlords the right to cultivate the lands themselves for one of the two annual harvests. The landowners denied the request, upon which the tenants tried to lodge a complaint with the police. The police however simply “provided necessary bundobust” in the village “and no breach of the peace took place… However,” the inspector noted, on 30th June, “the position requires to be watched. SI must make frequent visits to this village and regular beats to be served.” The menacing presence of the police, whether through bundobust or simply through regular beats, surely must have deterred the peasants from reiterating their rights. The inspector however noted that the District

(Bangalore India), *Land to the Dalits, panchami land struggle in Tamilnadu*, ISI monograph (Bangalore: Indian Social Institute, 2000).


99 G.O. 2664 (ms), Revenue, 15 September 1954, TNA.

100 *Theekkadir*, Madurai, 10 August 1969.

101 Thazhaiyoothu police station Rajavallipuram village records. SI refers to the Sub-Inspector
Superintendent of Police visited the village a few months later and spoke to the tenants and landlords, who “promised to sink all their differences and move amicably,” reinforcing the idea of a harmonious land-based social order.  

The colonial and postcolonial police regularly intervened in disputes over social prestige also. Often such conflicts took the shape of competing rights of various communities over village spaces: the temple, streets, and burial grounds. Police intervention ensured that simmering conflicts never boiled over, sometimes over a period of several years. In 1932 the police noted the “frequent ill-feeling” between the Pallars and Maravars of Mavadi village. In one instance, the Pallars put up a bund near their burial ground to prevent their corpses being washed away during floods. The Maravars objected to this and complained to the revenue authorities, who took action against the Pallars for encroachment. The inspector noted that “the feeling deserves to be watched.” Nine months later, he updated his remarks to a terse “No trouble in the village Mavadi.” Presumably, the tension abated but didn’t die, for in 1937 he again noted that there was no sign of ill-feeling between the two groups “after the warning given by me.” Understandably, the notes rarely mention what exactly the “warning” was. It may have been a euphemism for threats, or it may have been a warning that proceedings under the security sections of the Criminal Procedure Code

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102 Of course, even as he wrote of the resolution of the conflict in such pleasant terms, the inspector warned that “the feelings between the parties require to be watched.”
104 Manur police station Mavadi village records. Pallars are a Dalit caste.
would be taken against the disputing parties, or it may have entailed a judicious combination of the two tactics.¹⁰⁵

Therkululam village presents another instance where the police actively intervened to prevent challenges from lower caste groups to the established spatial order.¹⁰⁶ In the 1940s, some Hindus of the village, very probably belonging to a lower caste, converted to Islam: they were called the Navamuslims (new Muslims). The late 1940s and early ‘50s witness several cases where the Navamuslims tried to assert their rights over the village spaces, only to have their attempts foiled by the police. Successively, their attempts to bury a child in a plot disputed by the Hindus, to construct a mosque close to the village church, and later to build it near the Hindu temple, were all put down by the local magistracy and police. The mosque “gave hindrance to the Christians during prayer time,” they said. Daily beats were observed in the village, constables were deputed “to watch the events,” and the Muslims were warned “to not take the law into their own hands,” under threat of action under the preventive sections of the Criminal Procedure Code. Presumably, the police surveillance worked, for the next few entries in the station records graduate from reporting that there was no trouble in the village to, four years later, “there is nothing important” in this village, thus dimming it from the police radar.

¹⁰⁵ For instance, in 1937 there was a conflict between two groups of Nadars of Thazhiyoothu village, one of whom had recently converted to Christianity. The police inspector enquired into the case and both parties were warned that the police would take action against them under section 107, Criminal Procedure Code if they disturbed the peace. Though the parties were quiet now, the inspector suggested that the village be frequently visited “and the feelings watched.” Thazhaiyoothu police station Thazhaiyoothu village records.
¹⁰⁶ Manur police station Therkukulam village records
Clearly, the Navamuslims were attempting to mark their new status on the village space, and were unremitting in this attempt, at least for a few years. The police were not oblivious to this though they interpreted it as troublemaking rather than as politics. This is apparent from their continuous surveillance of the group even though at one register, they chose to engage with the Navamuslims purely on the specific issue of discord – where to bury a person, where to build a mosque, etc.  

Dalit attempts to gain social and ritual equality continued to be policed after 1947, as they had been in the first half of the twentieth century. In 1961, around eighty Dalits of Nanjankulam village complained in a petition sent to the District Superintendent of Police that their children faced discrimination in the local school. They were made to sit apart and take water from separate containers. The Dalits complained to the school inspector, whom, they claimed, was a Nadar and asked them to abide by local custom. He also threatened them with police action. “Several times the Sub-Inspector of Police, Manoor, came to the village and threatened us,” they wrote. The Dalits finally stopped sending their children to school.

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107 Surveillance and suppression were not the only responses of the state to these politics of space. Several government orders from across the twentieth century allot land to different communities (Christians, Muslims, Dalits) for burial and cremation grounds, and also housing complexes. Madura Collectorate Files 433/Revenue/07, 25 March 1907; 11/1920, 23 March 1920; 208/1920, 27 May 1920; 5114/1922, 13 December 1922, DRCM. GO 604 (ms), Home, 2 March 1966, G.O. 2029 (ms), Home, 17 June 1966, TNA.

108 While 1947 marked some politicization of protests undertaken by agricultural labour, there does not appear to have been any similar change in lower caste protests against social discrimination. Partly, this reflects the attitude of the CPI which, while supportive of labour demands, was less interested in questions of caste discrimination.

109 Manur police station Nanjankulam village records.
Interventions by the police to defuse tension were not always successful, and cases of failure are more easily found in the government archive. One such case was a long-drawn out battle between the Konars and Shanars of Karisalkulam village, Tirunelveli, over the right to take funeral and marriage procession through a particular street.\textsuperscript{110} The dispute started in the wake of the anti-Shanar riots of 1899, and over the next five years, entailed the intermittent prohibition of public gatherings, a magisterial enquiry that attempted, unsuccessfully, to establish customary rights of usage to the street, a petition to the Governor of Madras, and the stationing of punitive police forces. In order to prevent public discord, the local magistrate also ordered that a police constable visit the village daily and that the inspector of police camp there two days a month.

Failure of police surveillance in checking conflict may be read as an indication of the heightened political mobilization of the conflicting parties, as in the case above. In fact, Dalits and other lower castes usually entered the government records only when they were strong enough to resist or provoke altercations with caste Hindus. For instance, the \textit{Police Administration Report} (henceforth “\textit{PAR}”) of 1907 described a disturbance at Kallurani in Madurai.

The Shanars, in the assertion of their equality with the other castes in the matter of processions and the drawing of water from caste people’s wells, made a demonstration in the village, threw stones at the houses of their opponents and assaulted some people. 28 Shanars were convicted of assault and trespass and were bound over under Section 106, Criminal Procedure Code.\textsuperscript{111}

\textsuperscript{110} Ramnad Collectorate file R. Dis. 27/1905, 20 March 1905, DRCM.
\textsuperscript{111} \textit{Report on the Administration of the Police of the Madras Presidency}. 1907, p. 11
Likewise, the report of 1930 mentions that the Dalit movement “towards their emancipation is almost a mass movement”, forcing retaliation from the higher castes. This engendered situations which brought the police in to control them.\textsuperscript{112} The \textit{Fortnightly Reports} of the Government of Madras report on parts of this same movement: in October a disturbance between a Dalit community and caste Hindus “might have led to a serious riot” but for the intervention of a police officer.\textsuperscript{113} A couple of months later, Tiruchuli “was the scene of a small riot between caste Hindus and ‘untouchables’ arising out of a private quarrel. The affair was not serious, although the police had to open fire, and order was quickly restored.”\textsuperscript{114}

Such reports, which show police intervention once a conflict had erupted, suggest that the police were distanced from society and unaware of its fault lines, a position occasionally adopted in the historiography.\textsuperscript{115} But the evidence from police station records, limited as it is in geographical extent, suggests that the police surveillance of villages did in fact happen regularly, and was influential in checking caste conflict, especially in contexts where Dalits were not politicized and were subjected to routine subordination. Juxtaposed with the governmental archive, these

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\textsuperscript{112} Ib\textit{id.} 1930 p. 18
\textsuperscript{113} \textit{Fortnightly Report for Madras Presidency} for the first half of October 1930, TNA.
\textsuperscript{114} \textit{Fortnightly Report for Madras Presidency} for the second half of December 1930. That both these affairs took place, and were reported, when the Civil Disobedience movement was at its peak may not be a coincidence.
\textsuperscript{115} Arnold, "The Police and Colonial Control in South India." Pp. 9. “The colonial government put its money into creating relatively small but specialized and powerful police units. Having abandoned the idea of a large, essentially rural, constabulary which would be close to village society, it retreated to the formation of well-armed, highly disciplined units which could be quickly sent to deal with any variety of disturbance or resistance to colonial control – a religious riot one day, perhaps, a strike in a factory the next, a rural fracas the day after. This emphasized the remoteness of the police from the majority of the people and heightened the alien and repressive character of the colonial government.”
\end{flushleft}
police records suggest the effectiveness rather than the absence of police surveillance, for a caste conflict that failed to erupt rarely needed to enter a written record, whether governmental, judicial or journalistic.  

Even in cases where a caste conflict did grow violent, a careful reading of the pre-history of the riot reveals scattered references in the governmental archive itself to the disciplining attempts made by the police to contain the dispute. Consider, for example, the report written by the Madras Government in 1932, when a member of the legislative council brought up a recent case of atrocities against the Dalits of Ramnad by the higher-caste Nattars.

This year’s trouble commenced in the month of June at Kandadevi car festival to which some Adi Dravidas (Dalits) came wearing shirts. It appears that the shirt of one man was torn by some Nattars. The trouble however did not take on large [unclear] and it was suppressed.  

The report goes on to describe clashes between the two groups a month later, when Dalit property was damaged by Nattars. It is at this point that the police are first

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116 With the exception of the nineteenth and early twentieth century conversions to Christianity and Islam, and lower caste attempts to rewrite their history as forms of protest against the caste system, Dalit historiography usually focuses on protest movements in the second half of the nineteenth century. Partly, this is because of the limited written record on Dalit history from the earlier period. Partly, this literature focuses on a narrative where democratic politics helped increase Dalit activism, to which upper castes retaliated with increased violence, and the mechanics of this interaction. I highlight in this section everyday attempts by Dalits to protest their status even in the first half of the nineteenth century, and the systemic nature of its repression. For works that discuss Dalit movements after 1947, see Oliver Mendelsohn and Marika Vicziany, The untouchables : subordination, poverty, and the state in modern India, Contemporary South Asia (Cambridge; New York: Cambridge University Press, 1998). Hugo Gorringe, Untouchable citizens : Dalit movements and democratisation in Tamil Nadu, Cultural subordination and the Dalit challenge (New Delhi ; Thousand Oaks, Calif.: Sage Publications, 2005).  

117 G.O. 62 (ms) Public Police, 7 February 1933, TNA.
mentioned in the report, for filing charges against the Nattars. They would again play a role if the conflict escalated to a situation of violence: “The District Superintendent of Police and the police force of the district are alive to the necessity for prompt action at the first sign of a recrudescence of the trouble and the DSP has issued stringent instructions to that effect to the local police.” A year later, the department updated the note (with a sentence entirely lacking agents) to clarify that “the Nattar - Adi Dravida trouble of last year seems to have completely subsided.”

It is unclear from this report why the trouble did not flare up initially, how it was suppressed and by whom, and again, how it completely subsided within a year. Police station records fill precisely this gap by indicating the action of the police in suppressing such conflicts. In light of this knowledge, the euphemistic statement of one member of the Madras Legislative Assembly declaring that “the police and magistrates pose as peace-makers and [unclear] the people to abide by the time honoured caste rules and restrictions” may be read a little differently. Rettamalai Srinivasan, another participant in the Assembly debate and a vociferous champion of Dalit rights, alone made an accusation, albeit with disclaimers, against the police in this case, when he said,

> From what I have heard from the previous speakers and from what I saw from the various petitions and telegrams received by me, I am convinced that there is sufficient reason to believe that the subordinate police officers and the subordinate civil servants are in league with the Nattars in oppressing the depressed classes.\(^\text{118}\)

\(^{118}\) Ibid.
The Nattar-Dalit conflict in the example above was triggered during a temple festival. As extraordinary, yet recurring moments in rural life, festivals allowed subversion in ways not possible in everyday spaces.\textsuperscript{119} They were a space where material resources were exchanged and power dynamics between castes reaffirmed, contested, and negotiated. The centrality of the festival space as one of confrontation is pronounced even in Tamil films depicting the Thevars of the Tamil countryside from the 1980s and later.\textsuperscript{120} Police surveillance at festivals very consciously sought to prevent renegotiation of caste status and disturbance to the order. For instance, the \textit{PAR} of 1934 records how the police quelled one such attempt by the Dalits of a Ramanathapuram village.

At Sithanoor in the Ramnad district, trouble arose over the celebration of a mud horse festival and there was a serious clash between Nattars and Adi-dravidas. Both the parties were afterwards bound over under section 107, \textit{Criminal Procedure Code}.\textsuperscript{121}

As did the report of 1948, which similarly reported that the police had taken action under the security sections of the \textit{Criminal Procedure Code} against the Valayar community, when they refused to carry the deity in procession during the Manikkavalliamman festival.\textsuperscript{122}

Police surveillance, whether towards curbing caste conflict, fashioning moral subjects, or protecting property, was particularly marked in festival spaces. Police

\begin{footnotes}
\item[119] Guha, \textit{Elementary aspects of peasant insurgency in colonial India.}
\item[121] \textit{Report on the Administration of the Police of the Madras Presidency.} 1934 pp. 14-5
\item[122] Ibid.1948 P. 9
\end{footnotes}
stations were often located near temples that held important festivals and constables were unfailingly sent to monitor the celebrations.\(^{123}\) The state’s attention to policing festivals drew upon various concerns related to the congregation of a large number of people. Festivals were seen as hotbeds of tropical disease, as sites of fatal accidents caused by oriental practices like the bull fight, and of bodily pain, defined in new terms, caused by Hindu customs like hook-swinging. There was also a moral undertone to policing festival celebrations of lower caste groups which tended to include drinking and gambling. And finally, festivals involved unmanageable flows of people and consequently conjured the possibility of crime – both petty and serious.\(^{124}\)

It is this last category of crime i.e. the riot that appears most obvious in the historiography on colonial policing of festivals,\(^{125}\) as well as in the governmental reports regularly mention the need for police security during festivals: this, in fact, was one of the primary functions of the police. The \textit{PAR} of 1920 mentions that festival celebrations (among other things like political agitation and labour troubles) “imposed a heavy strain on the police.” In 1917, the Hindu Dusshera festival and the Muslim Muharram festival fell at the same time, a trope for potential violence in colonial writing. The police made special arrangements for keeping the peace and the Inspector General commended his officers “for the comparatively few disturbances” that happened. The importance given to policing festivals continued past 1947 too. The Madurai Superintendent of Police noted in 1966 that the Kallalagar festival was an important one attracting thousands of people to the city. “Elaborate bandobust arrangements are being made and police officers and men are being drafted from various districts for bandobust duties,” he wrote. \textit{Report on the Administration of the Police of the Madras Presidency}, 1920 p. 31. Ibid. 1917 p. 13. G.O. 1179 (ms), Home, 12 April 1966, TNA.

\(^{125}\) For a discussion on religious riots during festivals, see Pandey, \textit{The construction of communalism in colonial north India}. and Katherine Prior, "Making History: The State's
records, which frequently mention arrangements made to prevent the outbreak of riots during festivals, and their occasional failure.\footnote{126

While events of some gravity made their way to higher level police reports, every village record displayed concern with monitoring festivals. Part IV records mention the important festivals in each village, to ensure that constables were deputed to monitor them. For instance, the Rajavallipuram police wrote in 1937, expressing their concern about festival crowds and property crimes:

There is a Siva temple in Choprai, which is a hamlet of this village. In the month of December during Tiruvadirai Ardra Darsanam, thousands of persons come for worship. It is a two day’s (sic) festival. Large numbers of woman (sic) wearing jewellery from the adjoining villages to a radius of 10 miles go over there. It is necessary to send at least 1 H.C. and four P.C.s for bandobust and also for the prevention of crime.\footnote{127

Colonial officials, who were informed by conceptions of pain and agency that differed from that of the participants in festivals, also attempted to discipline the nature of celebration itself.\footnote{128


\footnote{127\ Thazhiyoothu police station, Rajavallipuram village records, 22 December 1937. PC is a police constable and HC is a head constable.

\footnote{128\ Swadesa Mitran, June 1883. An article from Salem reported that people should get a license from the local police before “parading through the streets with music.” British Library. and Adam Matthew Publications., Indian newspaper reports, c1868-1942, from the British Library, London.}
voluntary action within the framework of colonial rationality.\textsuperscript{129} Another instance of such “civilizational reform” was in the attempts to ban the practice of bull-fighting, locally known as \textit{jellicattu}, which took place in Madurai during the January harvest festival. The majority of district magistrates and police officers were convinced that bull-fighting was “calculated to cause riots, affrays and danger to human life” and therefore needed to be banned.\textsuperscript{130} Despite the Madurai police superintendent’s request however, the Madras government hesitated to ban the festival, fearing to legally interfere in what was demarcated as native religious practice. They did however limit its practice. In 1897, the government passed an order that \textit{jellicattu} could not be held in enclosed spaces of within a quarter of a mile of village sites, but only in the open fields. Although these were magisterial orders, it was the police that brought the matter to the attention of the magistracy and who enforced the order once it was passed.\textsuperscript{131}

Yet another instance of civilizational reform associated with festivals was to prohibit “needlessly cruel” animal sacrifice. In 1907, the Bishop of Madras published a book, which claimed that the village deities of southern India were “almost universally worshipped with animal sacrifices. Buffaloes, sheep, goats, pigs and fowls are freely offered to them, sometimes in thousands.”\textsuperscript{132} The book, along with a newspaper article published around the same time, set off a chain of letters from

\textsuperscript{130} Madura Collectorate File 999/ 1894, 19 December 1894, DRCM
\textsuperscript{131} Madura Collectorate File 1094/mgl/97, 30 December 1897, DRCM.
\textsuperscript{132} IOR:L/P&J/6/838, File 4100, 1907, British Library.
London to the districts of Madras. The communication sought to strike a balance between not interfering in the ritual aspect of the ceremony and reducing what was seen as needless cruelty. The Madurai magistrate responded discussing in some detail the method of sacrifice in different parts of the district: “by a single stroke of a sharp edged knife” in one and “by one or two strokes of a heavy knife” in another. In Dindigul, however, he noted that the method was for two men standing on each side of it to gradually hack off head of the buffalo, and affirmed that he was trying “to abolish the present cruel practice and to make the people adopt a more merciful method of sacrificing.”

**Conclusion**

Contrary to the ideal of a force uniformly spread across the Tamil landscape, or the criticism of a force barely present, the reality, as I have argued in this chapter, was that the police monitored certain places and certain people more than they did others. Rural police stations covered areas ranging from 75 square miles to 200 square miles. Beats to villages that had registered criminals, however few in number, were prioritized over those that did not.

The police were visible to the population not just from their station-houses but also on the roads leading up to their villages. In marked contrast to prison administration, the built space of the police – the station or the lock-up – was not given much importance in police documents, whether these pertained to architectural planning or to police reform. In police reports, the station was the barely visible

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133 Kodaikanal station, located on the hills and clearly an outlier, serviced 413 square miles!
background to police action. The only constructed space regularly mentioned in police records was their living quarters, usually to complain about how inadequate and terrible they were. The beat was rather the place where the police were meant to function.

In fact, except for the impressive district police offices, station-houses in the early twentieth century were often not distinct, or distinctive, buildings. They were either part of a complex of government offices (including the magistracy and judiciary) or located temporarily on rented premises. Although distinct plans for I, II and III class station-houses were put in place in 1901, these were executed in fits and starts, depending on the police budget. This transitory element had an advantage: it allowed for considerable flexibility in moving the location of station-

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134 The obvious exception to this was cases of custodial deaths, when the lock-up made an unwelcome entry into the records.
135 E.g. in the PARs and in the Fraser Report.
136 E.g. the Tuticorin police station was housed in a decrepit building which included, in addition, the deputy tahsildar’s office, the sub registrar’s office, and the subsidiary-jail. The police station in Tenkasi, which staffed 21 constables, functioned from a ‘incommodious’ private building which it occupied for a monthly rental of Rs. 5. A first class station house was sanctioned for Tirupattur in 1902, since the existing one was located in “one of the lockups at this place”, and was inadequate to accommodate the station’s strength of 22 constables. A new, first-class station house was sanctioned for the Palani police in 1906, since the old building was “in a dilapidated condition and… not worth any repairs or improvements.” G.O. 3564w, PWD, 18 December 1902, G.O. 1570w, PWD, 29 May 1902, G.O. 1928 (w), PWD (B&R), 28 September 1906, TNA.
137 As of 1910, the Tiruchendur taluk cutcherry housed the sub-registrar’s and police offices. When the sub-registrar moved out for lack of space, the Collector simply asked if any other department needed the extra space. The police did, and since they occupied the adjoining portion anyway, they took over the additional rooms as well. G.O. 56w, PWD, 18 January 1910, TNA.
houses in response to the need felt by local police officers to monitor crime.\textsuperscript{139} The option of putting up police outposts, as opposed to station-houses, also offered an easy transition to opening and closing police stations.\textsuperscript{140} In fact, the oscillation from station to outpost and back, and from temporary to permanent outposts, is indicative of the trial and error process by which local police officials marked their presence in areas they considered necessary to monitor.

The path of the beat, connecting stations to villages, was as central to police enforcement of law as was the police station itself. Complaining poetically on the poor condition of roads in Mudukulathur, the inspector wrote that it was “almost cut off from the outside world and itineration within its area [was] a matter of difficulty… As a consequence, the taluk remains in a benighted condition and within it the freebooter

\textsuperscript{139} For instance, in 1901, magisterial offices were moved from Tiruchuli to Aruppukkottai following the Nadar - Maravar riots, and consequently some rooms in the administrative offices in Tiruchuli became vacant. Some of the vacant rooms were occupied by the post office and the rest by the police. Sometimes stations were set up on a temporary basis, usually for a year, in the wake of social disturbances, but extended for years on end. E.g. the Keelakarai station, set up in 1932 on account of “strained communal feeling between the Muhammadans and Hindus” kept getting extended until as at least 1938. Requesting, successfully, for a further extension of the station in 1937, the Inspector General observed that “the Hindu-Moslem faction in the area is not dead though there have been no open acts of hostility in the past year.” G.O. 413 (ms), Public Police, 1 August 1935, G.O. 369 Public Police 6 August 1934, G.O. 2838 (ms), Home, 26 July 1937, G.O. 1639w, PWD, 17 June 1901, TNA.

\textsuperscript{140} E.g. in 1929, a temporary police station was opened in Kombai, in Madura, to replace an outpost. There were numerous reasons for this move: the place held an important weekly market, was a centre for the Piramalai Kallars, who had been brought under the CTA, 1911, and recent prosperity from the growth of the cardamom industry had increased lawlessness. “The traditional lawlessness had reached such a pitch,” the Inspector said, “that the establishment of a police station at the place (had) become a matter of urgent necessity.” The criminal record of this region was thus, in part, a recent one to which shifting police jurisdictions had responded within a decade or so. G.O. 406 (ms), Public Police, 23 July 1929.
plies his trade and blackmails or plunders his victims in comparative security while the Penal Code operates fortuitously.”

Constables usually undertook their village visits on foot. The pace of the beat probably helped in imprinting police presence on the rural landscape, for the Inspector-General complained in 1928 that the effectiveness of inspectors’ village visits had deteriorated with the advent of motor buses. “Their visits are rare and frequently too hurried, and no useful information is obtained,” he wrote.

The beat allowed the constable to see those designated by the state as criminal. This number was not small: note, for instance, the numbers for 1923 for Madras Presidency.

The number of bad characters registered during the year was 4,137 and the number of those removed from the registers on the ground that they are no longer addicted to crime was 4,365. The number of bad characters at large at the end of the year was 14,464, the corresponding number for the previous year being 16,470. Of these 1,411 or 9.8% were out of view.

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141 The special superintendent for reallocation complained in 1925 that beat constables from Nanguneri, in Tirunelveli, who had to serve a large and inaccessible area, often walked 10-12 miles in the afternoon to reach their destination. The average beat distance appears to have been around 6 miles, and in several cases where the distance was between 10 and 16 miles, the department attempted to rearrange police jurisdictions. In 1920 government sanctioned, only in Ramanathapuram district, bus allowance to constables for journeys within the district, on account of its poor connectivity. G.O. 37 (mis), Judicial, 10 January 1922; G.O. 1098 (mis), Judicial, 28 September 1922, TNA
142 Report on the Administration of the Police of the Madras Presidency. 1928 p. 6
143 Ibid. 1923. Italics mine. These numbers are fairly representative of reports through the early twentieth century.
The state thus saw itself as *watching* its criminals. Its gaze was however not a panoptic one: all-seeing and steadfast. Rather, it was moving and rhythmic, directed along the beat, to target specified individuals and discipline specific activities.

The colonial police were therefore not an entity distant from rural society, called in by the state only at moments of violent protests. Rather, they held a widespread and regular, albeit selective, presence in the Tamil countryside, in their station-houses and on their beats. Through the routine surveillance of the general population as much as through the harsh control of criminal tribes, the police ensured that the rhythm of a social and political order that depended on agriculture and trade stayed uninterrupted, for the most part, though not always.
CHAPTER TWO

TO THE POLICE STATION: CONFLICT IN RURAL MADRAS

In December 2009, the Indian Government announced that it was contemplating an amendment to the nation’s Criminal Procedure Code, so that anyone found guilty of registering a false First Information Report with the police would be penalized quite heavily, specifically, with a sentence to ten years’ of imprisonment.\(^1\)

The First Information Report, commonly known as the F.I.R., is a term unique to the Indian subcontinent: it is a pivotal document in its criminal justice system and one which is frequently tainted by allegations of police corruption. In fact, the Indian government’s anxiety about false F.I.R.s was by no means a new one; similar concerns had been voiced by governmental and judicial authorities for well over a century.

This chapter examines the place held by the notion of false F.I.R.s in the lives of the inhabitants of the southern Tamil districts of Madurai, Tirunelveli, and Ramanathapuram in the first half of the twentieth century. During this time, villagers routinely filed complaints with the police regarding issues that ranged from the trivial to the grave. Yet, the notion that reports of crime were often fabricated was popular across the range of legal actors: judges, lawyers, police officers and constables, plaintiffs, witnesses, and defendants. However, this was not a case of a judicial system gone awry. Rather, this chapter argues that registering criminal cases with the police,

whether true or fabricated, was an event in rural conflict, not just a means of resolving conflict. Concomitantly, it demonstrates that the policeman’s presence in a village was not limited to his beats. To the contrary, villagers actively drew the state’s judicial machinery into their affairs. Furthermore, when rural inhabitants negotiated conflict through the filing of police F.I.R.s, whether “true” or “false,” to that extent the language of rural conflict stayed within the vocabulary of the law, indicating thereby the reach of colonial law in the Tamil countryside. I argue that the F.I.R. provided a mechanism for villagers to insert the disputes that were part of everyday life into the state’s legal apparatus; in doing so, they channeled the state’s legal authority into local politics.

As seen in Chapter 1, villages in southern Madras Presidency were located at an average distance of about six miles from the police-station to which they were attached. This meant that, typically, villagers did not directly report crimes at police-stations themselves. Instead, they reported a crime to the village magistrate who would write down the complaint and send it to the police-station through the village watchman (who walked the distance). Collectively, the two officials were known as the village police.

Following the nation-wide police reforms of 1902, the village magistrate’s responsibilities in the matter of criminal investigation became primarily bureaucratic. Unlike in the nineteenth century, he no longer investigated a crime that had occurred in his village. Instead, he merely reported its occurrence at the nearest police-station. Based on the report delivered to him by the village police, the station policeman would
write the F.I.R. for the crime and then go to the village to conduct his investigation. The F.I.R. was an important document, since it not only triggered the police investigation, but also established the basic contour of the crime: what it was, when it happened, who its victims were, and who the suspects. The importance of the first report of crime in the criminal justice system thus pulled village officials into the policing system and, importantly, brought rural politics into a logic of bureaucratic power that characterized the colonial state.²

The incorporation of the village police into the criminal investigation process engendered controversy and conflict in the village regarding the use of their power. Accusations of false criminal complaints were usually targeted at the village magistrate and watchman, rather than at the state policemen themselves. Contemporary judicial and police records attributed disputes around false cases to what they saw as the inveterate factionalism and mendacity in the Indian village. By demonstrating that the F.I.R. was an object over which power was negotiated, this chapter qualifies essentialist narratives of corrupt factions, to more actively interrogate the role of police documentary power in fashioning village conflict. The first section of this chapter focuses on the criminal justice system, elaborating on the role of the village police in reporting crime and the significance of the F.I.R. The second section shifts attention to the village, by discussing the politics of false cases and the centrality of the village police in these politics until the late 1950s.

² For a discussion of the power of documents under colonial rule, see Raman, *Document Raj: writing and scribes in early colonial south India.*
The registration of a false case was not simply a petty crime committed by the village police. I suggest that it was also a form of politics accessible to certain sections of the rural population. By virtue of his authority to report crime, the village magistrate emerged as an alternative centre of bureaucratic power in the village, and false cases were a way of conflict that sometimes represented negotiations between the village magistrate and the village accountant (known as the karnam). Scholars of colonialism and caste in South India, including Nicholas Dirks and Susan Bayly, have discussed the extent to which the bureaucratic state privileged the literate castes in nineteenth-century India, so that colonial rule consolidated a “Brahmin Raj” as it were. In line with this, in southern Madras Presidency too, the fairly influential village karnams were typically either Brahmin or Pillai – both of which were traditionally literate castes. In contrast, the village police usually belonged to the Thevar or Naicker castes, which were marginalized under colonial rule. Access to the village police office gave less-literate, marginalized castes a means of articulating conflict through participation in the state’s judicial system, specifically by using the

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3 Battles over false cases were usually waged between caste communities, both of which held at least some local affluence. Instances of village magistrates being accused of registering false cases against the lowest caste groups are practically absent from the archival record. This is in marked contrast to other forms of dominance, such as coercive action by the police against the lower castes while on their beat, seen in Chapter 1.

4 Under colonial rule, Brahmins consolidated their land-ownership and occupied positions of bureaucratic power in the judiciary and local magistracy. Nadars, once social outcasts, were another caste that took advantage of opportunities available in the late-nineteenth century, (specifically Western education and trade) to improve their social standing. For greater detail on the establishment of a “Brahmin Raj” by the nineteenth century, see M. S. S. Pandian, *Brahmin and non-Brahmin: genealogies of the Tamil political present* (Delhi: Permanent Black, 2007). Dirks, *Castes of mind: colonialism and the making of modern India*. Susan Bayly, *Caste, society and politics in India from the eighteenth century to the modern age*, The New Cambridge history of India IV, 3 (New York: Cambridge University Press, 1999). For a discussion of Nadars, see Hardgrave, *The Nadars of Tamilnad; the political culture of a community in change*. 
F.I.R. creatively. This stood in contrast to the workings of the village *karnam*, who could avail of his literary superiority in negotiating disputes, especially those pertaining to property. The concluding section of this chapter draws upon the judicial archive to suggest that village policing offices gave communities marginalized by the colonial bureaucracy access to an alternative base of power from which to negotiate disputes in a document-based property regime.

Finally, filing false cases was not only a function of politics within the village. In colonial ethnography and governmental policy, Thevars were branded as criminal castes with a proclivity to unlawful behavior. Police officers and judges too drew upon this discourse of hereditary criminality in dismissing “false cases” lodged by Thevars. I argue that the registration or dismissal of complaints was an everyday performance of power by police inspectors and constables, who displayed their discretionary authority in deciding the veracity of cases lodged by castes that were perceived as unlawful. Paradoxically, the very fact that Thevars drew upon modern judicial institutions to negotiate disputes points as much to the wide reach of judicial process in the colonial countryside, as to the Thevar community’s supposed criminality.

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Village Police and the F.I.R.

Part V of the Criminal Procedure Code, 1898 set out the protocol to be followed by the Indian police in investigating a crime. The chapter commenced with Section 154 which stated that

Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Local Government may prescribe in this behalf.6

The dry language of this provision, which prescribed how policemen were to receive and record information about the occurrence of a crime, does not do justice to its centrality in the criminal justice system. Sec. 154 was important because it was a necessary step for the police to launch a criminal investigation into a cognizable offence.7 Cognizable offences were defined as those that a policeman could investigate without waiting for a magisterial sanction. These were usually grave offences (compared to non-cognizable ones) and included participation in an unlawful assembly or riot, counterfeiting, defiling public places, murder or attempt to murder, wrongful confinement of a person, assault, rape, theft, robbery, and criminal trespass,

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7 All crimes defined in the Indian Penal Code, 1861 were classified as either cognizable or non-cognizable offences.
among others. According to Sec. 154, once a policeman received information of a cognizable offence, he had to record it and then commence his investigation.

In the countryside, where police-stations were rather far-flung, the Criminal Procedure Code mandated village functionaries such as the headman, accountant, and watchman to immediately report the occurrence of certain grave offences to the nearest magistrate or police-station. The Madras government’s policy regarding the village police, an institution that was in part a continuation of a precolonial policing system, had undergone some reversals over the course of the nineteenth century.

Precolonial policing in rural, southern Madras had been a dispersed affair. Each village had its own watchman, called the talayari. In addition, there existed a broader policing system that extended across villages, called kaval, which skirted the line between pillage and protection. In some cases, kavalgars (policemen) were regularly paid by villagers for their security, and in case of theft, kavalgars would either retrieve the lost goods or reimburse the victim. In other instances, villagers paid the policemen fees simply to be exempted from their pillage. In most colonial writing, kaval was depicted as a form of extortion that had been allowed to flourish in the political chaos of the eighteenth century, a claim that bolstered the legitimacy of colonial rule.

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8 Some examples of non-cognizable offences are ‘public servant framing an incorrect document with intent to cause injury,’ bribery in elections, ‘giving false information to a public servant in order to use his lawful power to the injury or annoyance of any person,’ ‘obstructing public servant in discharge of his public functions,’ ‘giving or fabricating false evidence in a judicial proceeding,’ and ‘fraudulent use of false instrument for weighing.’ Code of Criminal Procedure. Schedule I.

9 Sec. 45, ibid.

Colonial prejudice against *kaval* in southern Madras Presidency was strengthened by the fact that *kavalgars* typically belonged to the Thevar and Naicker castes. The rulers of the minor principalities that had severely resisted the English East India Company’s military advances in this region in the late-eighteenth century also belonged to these castes, which then got imprinted in colonial discourse as fractious. Consequently, soon after it established its rule, the Company attempted to weed out *kaval* in most parts of the country. However, this led to an increase in crime and as early as 1814, the Court of Directors at London, after detailed enquiry on the subject across the Presidency, acknowledged in a letter to Fort St. George that

> It is the strongest possible recommendation of the talliary police, that it secures the aid and cooperation of the people at large in the support and furtherance of its operations… and we are firmly persuaded that any system which has been or may be resorted to, for the general management of the police of the country, which is not built on that foundation, must be radically defective in its construction, and inadequate to accomplish its intended purposes.\(^\text{12}\)

Accordingly, the Company reversed its policy to encourage the maintenance of the village police. It was believed that this move would also help reduce the cost of the expensive police corps which the Company maintained. Madras Regulation XI of 1816 placed village headmen (alternatively known as the village *munsif*, village magistrate, or, simply, V.M.) under the authority of the colonial magistracy.\(^\text{13}\) All the

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\(^{11}\) Blackburn, "The Kallars: A Tamil "criminal tribe" reconsidered."

\(^{12}\) Judicial letter from the Court of Directors to the Government of Fort St. George dated 29 April 1814, in Company East India, *Selection of papers from the records at the East-India House, relating to the revenue, police, and civil and criminal justice, under the Company's Governments in India* (London: Printed by order of the Court of Directors). Fort St. George is the seat of the Madras government.

same, the village police i.e. the village headmen and watchmen, were not officially a part of the state police. Their role was subordinate to that of the colonial constabulary, whom they were meant to assist in rural areas. The *kavalgar*, the third element of the native police, continued to be criminalised.

Over the course of the nineteenth century, the colonial state’s policy of mobilizing the support of the village police didn’t work as smoothly as envisaged, for multiple reasons. The village headmen and watchmen were never formally brought under the auspices of the regular police.\(^\text{14}\) Kavalgars were unwilling to give up their occupation and villagers continued to pay them for protection. *Talayaris* received a very inadequate pay for the range of services they were now meant to perform – the Tirunelveli district administration complained in 1879 that *talayaris* frequently resigned on account of poor pay, causing great difficulties in filling up the vacancies thus caused.\(^\text{15}\) Moreover, their tasks were a confused mixture of revenue and policing ones.\(^\text{16}\) Intermittent attempts were made to increase village officials’ police

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\(^\text{14}\) Village police were not enrolled under the 1859 Madras Police Act, though they were “appointed paid and dismissed by the regular Police. This arrangement was tried for several years, in some districts at least, and was then abandoned as a failure…” Miller L.C. Andrew J, Fawcett F, "Statement of the Police Committee on the Administration of the District Police in the Madras Presidency," (Madras1902).


\(^\text{16}\) The Dindigul magistrate complained that talayaris assisted with remittances during the kist season, service of demands, summonses, transmission of reports, birth and death enquiries, vaccination work etc. and would not be able to help the constabulary in night patrols. Likewise the Madurai divisional magistrate pointed out that talayaris were not really village watchmen, but rather peons of the village headmen; they helped him in his collection work and carried his reports to the police station and the taluk office. Village Police Improvement, 1908, District Record Centre, Madurai. The Madras Police Committee of 1902 observed that talayaris had been doing revenue and police work since 1865. Andrew J, "Statement of the Police Committee on the Administration of the District Police in the Madras Presidency."
responsibilities, and talayaris were assigned minor tasks, but there was little consistency to their execution of these.¹⁷

Notwithstanding these hiccups and variations, village police did report crime to the state police periodically. In 1902, the Government of India instituted the second national Police Commission, popularly known as the Fraser Commission, to suggest measures to reform the Indian police, which had been subject to a deluge of criticism in local newspapers in the closing decades of the nineteenth century. In general, the Commission urged for “a revival of the village agency” and advocated greater cooperation between the state police and the village police across the country. It substantially increased the role of the village police by abolishing routine police beats to the village,¹⁸ mandating instead that village authorities be responsible for reporting crime and supplying criminal intelligence to the police. On the topic of crime reporting, the Fraser Commission acknowledged that in Madras Presidency “most of the reports of crime at police stations are received from village magistrates through taliaris and not from beat-constables; and without the help of the village authorities the regular police could effect comparatively little.”¹⁹ Yet, police officers frequently complained about the lax attitude displayed by the village police in reporting crime.

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¹⁷ In some parts of the district, talayaris did perform police functions. They carried beat books, reported news at police stations, and did night patrolling. Some, considering themselves part of the state police, even wore brass badges and discards of the police coats. The Inspector General of Police observed this in 1897 and attempted to introduce a similar system in Madurai. Enquiries were undertaken and a list prepared of villages which had enough number of talayaris to try the experiment. Government however dropped the initiative, without a word of explanation. Madura Collectorate file 450/mgl/1897 dated 25/5/1897, DRCM.

¹⁸ These routine beats were declared to have been very inefficient since the policemen had too much distance to cover in too little time. Instead, policemen were asked to monitor the more criminal people and spaces on their beat, as discussed in Chapter 1.

Accordingly, the Commission formalized the role of the village police in reporting crime, and advised that village magistrates write a report as soon as a grave crime occurred and send it to the nearest police station through the talayari. The Commission also lessened the village accountant’s role in reporting crime (mandated in the Criminal Procedure Code, 1898): “they are merely… auxiliaries in this matter and it is quite unnecessary to enforce their responsibility unless they are believed to have known of concealment,” it declared.20

Even as the Fraser Commission emphasized the village police’s responsibility to report crime at the police-station, it simultaneously reduced the village magistrate’s investigative powers. In nineteenth-century Madras, the village magistrate had participated in criminal investigation. For instance, during an inquiry into the working of the Madras police conducted in 1890, the Government Secretary noted that the police were aided by the village police “whose chief function is to report promptly the occurrence of crime in the village to which they belong, but who frequently take a principal part in the detection of the criminal.”21 In a circular sent to village magistrates of Tirunelveli district in 1888, the Government of Madras instructed the headman to

record the complainant’s statement in full, and when identity is in question, to write down as careful and accurate description of accused as he can obtain. To this end, he should record in detail his age, height, shape, colour, marks, clothing and

20 Ibid. P. 47.
21 Go 1307, Judicial, 7 August 1890, TNA. Also, “It is the common practice, in fact the general rule for these officers, on receiving report or complaint of a crime, to proceed to the spot and hold an enquiry, making no report to the police until many hours, sometimes a day, afterwards.” Report on the Administration of the Police of the Madras Presidency. 1903, p. 4
languages. In the same way, when a burglary has been committed, the size of the hole made should be recorded. The substance of what other witnesses have to say should be carefully heard, and the net result embodied in a careful and accurate occurrence report. More care should be devoted to its preparation than is at present the case, and village munsifs should bear in mind that the omission to notice important facts in the first report discredits evidence regarding them when produced at a later stage.  

The village magistrate thus had exercised some discretion in determining the content of the report of crime. He had conducted a preliminary investigation into the case, carefully heard witness accounts and prepared a fairly detailed report of the crime. In contrast, after the Fraser Commission’s recommendations, the government declared that it was “not necessary for the village magistrate to go to the scene of crime before he sends his report unless it happens to be under his nose in the village. He should hold no investigation and examine no witnesses.”

The V.M. was thus no longer to investigate a crime, but only to report its occurrence, briefly and promptly, to the station policeman. This move was not only part of the Commission’s broader endeavor to standardize police functioning across the country, it also addressed a more specific concern that village magistrates fabricated evidence in criminal cases.  

Prohibiting the village magistrate from

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22 G.O. 2508 Judicial dt. 5 December 1888, TNA.
23 Circular - d dis no 162/ mgl of 04, 3rd Feb 04, in Madura Collectorate File 62/1914, 23/7/1914, DRCM.
24 The Madras Police Committee’s report and the Fraser Commission’s report wax eloquent on the corruption and oppressive conduct of the Station House Officer whose duty it was to register crime. Andrew J, "Statement of the Police Committee on the Administration of the District Police in the Madras Presidency." Fraser, Fraser report : report of the Indian Police Commission, 1902-03.
investigating crime was intended to ensure that he did not tailor the report of crime he had received.

Police officers often complained that village magistrates were tardy in reporting the occurrence of crime. “As a result the case is often spoiled, either by the village magistrate’s carelessness in omitting essential facts, or by his rascality in wilfully giving a wrong direction to the investigation.” More generally, they were concerned about the prevalence of “false cases.” The Criminal Procedure Code provided the policeman with the option not to investigate a case, “if it appear to the officer in charge of a police-station that there is no sufficient ground” for doing so. Apart from a policeman, a magistrate could also dismiss a complaint after directing a police-officer to ascertain its truth if he was “not satisfied as to the truth of a complaint of an offence.” The judicial machinery was thus equipped to deal with what it considered “false cases.” False cases were by no means an unusual occurrence.

Annual Police Administration Reports for Madras Presidency (henceforth “PARs”) regularly mentioned the number of cases where police had refused investigation into complaints lodged with them. For instance, the PAR of 1899 recorded the total crime reported for the year as 59,625, of which “the total of true cases was 43,030.” The following year, the Inspector-General of Police for Madras reported that 10,756 cases

25 Report on the Administration of the Police of the Madras Presidency. 1903 p.4. The report of 1902 complained that village magistrates reported crime “either very late or very carelessly and inaccurately, and, as the courts mostly attach a fictitious and undeserved importance to the first report of the village magistrate, many a case fails owing to the atmosphere of falsehood or doubt which this document casts upon the facts.”
26 Sec. 157 b, Code of Criminal Procedure.
27 Secs. 202, 203, ibid.
had been referred by the police as false. “The fact that nearly one-quarter of the more serious cases reported to the police are false throws a vivid light upon the difference between police work in this country and Great Britain,” he complained.\textsuperscript{29} In addition to listing the number of cases dismissed by the police and magistracy, annual reports also noted the number of cases that were “maliciously or wilfully false,” usually numbering a few thousands a year for the Presidency.\textsuperscript{30} To cite just one instance, in 1901, there were 4672 maliciously false cases out of 11,028 false cases, of which 384 were from Madurai district and 307 from Tirunelveli.\textsuperscript{31} False cases were seen as a waste of departmental resources by senior police officers, who regularly tried to prosecute the complainants, to little avail.\textsuperscript{32}

By requiring the village magistrate to merely report the bare details of a crime, and to do so immediately after its occurrence, the Fraser Commission hoped to prevent the problem of fabrication, and thereby to ensure an honest investigation. The Commission asserted that “the sooner the report reaches the police station, the less chance there is of interested persons putting a wrong complexion on the case, and the

\begin{footnotesize}
\begin{itemize}
\item[29] Ibid.1900 pp. 14
\item[30] Emphasis in original in ibid.1901. There were 5086 ‘maliciously or wilfully false cases” in 1906, 6075 in 1907, 5792 in 1909, 5075 in 1912, 4829 in 1915, 3613 in 1922, and so forth. As in 1900, false cases were a percentage of about 25% of total cases. Ibid.1901 pp. 14. Incidentally, Madurai and Tirunelveli found mention among the districts that had principally contributed to the wilfully false cases. There was no Ramanathapuram at this time, since the district was carved out of Madurai and Tirunelveli only in 1910. Very similar statistics were recorded in the reports of 1902 and 1903 too.
\item[31] The reasons cited were that it was “one thing to reject a complaint as probably false and another thing to prove its falsity.” Lack of interest by policemen and lower level magistrates was another reason. Ibid.1899.
\end{itemize}
\end{footnotesize}
greater likelihood there is of the offenders being apprehended and convicted.”\textsuperscript{33} The Madras Government’s circulars to the police department in the following years echoed the belief that the earliest report of crime was the most authentic and, conversely, that a late report suggested the fabrication of evidence, as seen in the example below:

The village magistrate’s report is generally the earliest paper on record in a case and, in the ends of justice, it is very desirable that such reports should be absolutely accurate and that they should be in the hands of the investigating officer at the earliest possible moment so that their accuracy may not be open to question.\textsuperscript{34}

In addition to prohibiting investigation, the Commission recommended a new format in which crime was to be reported. Sec. 154 of the Criminal Procedure Code required a written report when a crime was registered with the police, but left the format for this report open: the Commission filled this gap and prescribed a strict format which pared down and made uniform the report of crime. It did not stop at prescribing the contents of the report; it also provided a sample form that could be printed and distributed across police stations (Appendix G). Further, it suggested that alternate sheets on the notebooks that contained these forms be thinner and a carbon paper be placed between them. This would allow the report of crime to be written in duplicate: the duplicate could be sent to the magistrate, ensuring that the first report of crime was identical in the police and magisterial records.\textsuperscript{35} This move not only

\textsuperscript{33} The Commission also censured policemen who delayed recording crime reports they received, insisting that policemen record this information and send it to magistrates instantly. Fraser, \textit{Fraser report : report of the Indian Police Commission, 1902-03.} P. 150

\textsuperscript{34} Madura Collectorate file 62/1914 dated 23/7/1914, DRCM.

\textsuperscript{35} Edmund Charles Cox, \textit{Police and crime in India } (London,: S. Paul & co., 1911).also mentions this. “The report to the magistrate consists of a printed form, which is a counterfoil from the book in which the information is registered.” Pp. 111-112. In Madras city, the police commissioner initially resisted the adoption of the fir. In 1908, a new commissioner took over and agreed to the use of the new forms. The IGP defended the move thus: “With the
reduced the policeman’s labour, it also acted as an additional check against the possibility of his tampering with the report. Likewise village magistrates were asked to write their first information in trefoil, so that they could keep one copy and send an identical one to the police.\[36\]

The sample form appended to the Commission’s report came with a heading, “First Information Report,” a title not once mentioned in the body of the Fraser Report (or, for that matter, in the Criminal Procedure Code), but which was to become irrevocably associated with Sec. 154 of the Code.\[37\] For instance, P.N.Ramaswami, a magistrate who published a guide for policemen in 1931, asserted that it was “the basis upon which an investigation under Chapter XIV, Criminal Procedure Code” commenced.\[38\] A 1937 annotated publication of the Code noted that “a careful and accurate record of the ‘first information’ has always been considered as a matter of the highest importance by the Courts of India.”\[39\] When parts of Travancore district (an erstwhile princely state) were brought into Madras State in 1957, the government

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36 Madura Collectorate file 62/1914 dated 23/7/1914, DRCM.
37 In their 1937 commentary to the Criminal Procedure Code, the authors write below Sec. 154, “The information given to a police-officer and reduced to writing as required by this section is known as the “first information.” “First information report” is not mentioned in the Criminal Procedure Code, but these words are understood to mean information recorded under this section. Ranchhoddas Ratanlal and Dhirajlal Keshavlal Thakore, _The Criminal procedure code (Act no. V of 1898)_ , 3rd ed. (Bombay: Bombay Law Reporter Office, 1937).
38 Palamaneri Narayanaswami Ramaswami, _Magisterial and police guide_ (Mylapore, Madras; Madras law journal office, 1931).
39 Ratanlal and Thakore, _The Criminal procedure code (Act no. V of 1898)_ . P. 106
passed an order urging the importance of the First Information Report on village
officers, and directed them to report crime in the appropriate manner.\footnote{G.O. No. 1644 (ms), Home, 15 June 1957, TNA.} The
standardised format of the report helps explain the rapidity with which the F.I.R.
became the standard way of reporting crime across the country. The very mechanics of
filling a pre-designed form may have disciplined village magistrates and policemen
into recasting their reports of crime as a fixed set of facts.\footnote{The success of this endeavour of the Fraser Commission contrasts with the more mixed
results of another of its initiatives, wherein the Commission had called upon the participation of the village police to provide the state police with intelligence on local criminals. The latter undertaking was less successful for a number of reasons, one of which was possibly the format of the document. Village headmen had to prepare periodic notes on the “History and Movement” of history-sheeters within their jurisdiction and “Special Notes on Crime as a Whole” for individuals not on the history-sheet. Although there were printed forms for these intelligence reports, the forms only had titles; the content was left to the narrative ability of the headman. Annual police reports frequently bemoaned the failure of village magistrates to provide criminal intelligence.}

The F.I.R., which was barely a page in length, asked for only a few details
from the informant of crime: the date and hour when the crime was reported, place of
occurrence and distance from the police station, name and address of the informant
and of the accused, brief description of the offence and of property stolen, steps taken
regarding investigation, and the result of the case.\footnote{Just prior to instituting the Fraser Commission, the Government of India had appointed local commissions to inquire into policing at the provincial level. The Madras Police Committee provided a similar recommendation – it listed twelve questions that had to be answered briefly when reporting grave crime. Andrew J, "Statement of the Police Committee on the Administration of the District Police in the Madras Presidency."} Most of these questions could be answered in a single word i.e. with seemingly objective facts. A report which contained what were seen as the bare facts of a crime presumably minimised the
chances of village magistrates tampering with evidence. The fact-based format of the

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\footnote{G.O. No. 1644 (ms), Home, 15 June 1957, TNA.}

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F.I.R. reduced the variability in crime-reporting that had existed prior to 1902, when village magistrates in the Tamil countryside had submitted manuscript reports of crime to the police. In contrast, when the District Magistrate of Madurai instructed village magistrates on submitting first reports of crime in 1904, he adjured them to submit the reports promptly and to include details that closely conformed to the F.I.R’s format. “The report should be prepared within an hour of the laying of the information,” he wrote, and contain the substance of the complainant’s and other witnesses’ stories, time and place of offence, name and description of offender, description of property found on him, time of despatch of the report to the police, and the name of the messenger carrying the report. In addition, bound books of trefoil report forms were supplied to all village magistrates to replace the manuscript reports they had been submitting until then, ensuring that the content of the report would adhere to the prescribed guidelines.

The Fraser Commission was a prestigious one and its recommendations were implemented with considerable seriousness over the following years. Through the ensuing decade, district administrators and police officers were rained with instructions from Calcutta and Madras to ensure cooperation between state

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43 For instance, an administrative manual published by the Government of Madras in 1885, in describing the investigatory procedure followed by the police of the Presidency, mentions that they send the “original information, whether it be Village Magistrate’s report, or the information written or dictated by complainant or informant,” along with the Occurrence Report to the magistrate. Madras (India : Presidency) and C. D. Maclean, *Manual of the administration of the Madras presidency*, 3 vols. (Madras: Printed by E. Keys, 1885). v1 pp. 192-3. Madura Collectorate file 62/1914 dated 23/7/1914, DRCM also mentions manuscript reports submitted by village headmen prior to the Fraser Commission’s recommendations.

44 Madura Collectorate file 62/1914 dated 23/7/1914, DRCM.
constabulary and village police.\textsuperscript{45}\textit{PARs} annually complained about or commended, if in tired phrases, village authorities for their work, and enjoined police officers to work harder towards building a better rapport with them. In 1908 the Madras government passed an order reiterating the importance of preserving the old village communal system, and encouraged the police department to hire more village watchmen wherever required.\textsuperscript{46} Village authorities were incentivised through monetary rewards to report crime promptly; they were also punished if they failed to fulfil this obligation.\textsuperscript{47} In the years following the Commission’s report, police officers noted a significant improvement in village magistrates’ performance of this task. For instance, the \textit{PAR} of 1902 complained that village magistrates reported crime “either very late or very carelessly and inaccurately,” and that of 1903 complained of “the frequency and flagrancy of the delay which is almost everywhere made by village magistrates in sending reports of cognizable offences to the police.”\textsuperscript{48} As early as 1904, however, the situation began to change: the Inspector-General of Police noted in his report that “the matter of delay in the submission of their first information reports of crime by village magistrates received special attention during the year and the delinquents were constantly and unsparingly reported against.”\textsuperscript{49} The annual report of 1905 remarked on the slight improvement “in the punctuality with which first reports of crime were

\begin{footnotes}
\textsuperscript{45} E.g. Circular no 162/ mgl of 04 dated 3\textsuperscript{rd} February 1904, and circular no. 929/ mgl of 1906, dated 17\textsuperscript{th} October 1906 in 62/1914, 23/7/1914, DRCM.
\textsuperscript{46} The Madras Government even suggested increasing powers of arrest of village watchmen. Order no 463 judicial, 20\textsuperscript{th} march 1908, in Village Police Improvement, 1908, DRCM.
\textsuperscript{47} Ibid. Madura Collectorate file 62/1914 dated 23/7/1914, DRCM.
\textsuperscript{48} Report on the Administration of the Police of the Madras Presidency. 1902, 1903
\textsuperscript{49} Ibid. 1904
\end{footnotes}
sent in by village magistrates”, and that of 1921 acknowledged that “reporting of crime by village officers is generally said to be satisfactory.”

Thus, within the first few decades of the twentieth century, the F.I.R.’s usage became widespread and it acquired a privileged position in establishing the bare facts of a case. This is not to say that the design of the F.I.R. achieved its impossible goal of stabilising juridical truth. Rather the F.I.R. became a highly contested object over which power was negotiated. The village magistrate, whose judicial responsibilities were reduced and bureaucratic ones enhanced, was a central character in these negotiations until the 1950s; he gave way to local representatives of various political parties in the years after India won independence from colonial rule.

Even as legal subjects disputed the veracity of a particular F.I.R., they accepted the value of the F.I.R. as an essential document in staking their claims in the judicial system. The persistence of these negotiations over the F.I.R. thus points to the entrenchment of the idea that colonial and postcolonial law operated on the basis of bare, “verifiable facts.”

The fact-based format increased the F.I.R.’s use as evidence in criminal trials. The information recorded under Sec. 154 of the Criminal Procedure Code occupied a unique place in police writing. On the one hand, it was information of crime recorded by the police i.e. policemen actually wrote the report. On the other, it was information

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50 Ibid. 1905, 1921. PARs of 1906, 1907, 1908, 1909 and 1919 also mentioned improved performance of the village police.
51 For a discussion of the Company State’s attempt to use a rule of documents to judge the facticity of claims and assert its discretionary power, see Raman, Document Raj: writing and scribes in early colonial south India.
given by an informant who was necessarily not part of the police; it was information necessarily collected before the police commenced their investigation. See, for example, the clarification for Sec. 154 provided by the authors of a 1937 commentary on the Code, a caution repeated in other manuals as well.\(^5\)

The word “information” means something in the nature of a complaint or accusation, or at least information of a crime, given with the object of putting the police in motion in order to investigate, as distinguished from information obtained by the police when actively investigating a crime. Such a document becomes valueless if drawn up by some person other than the proper informant.\(^6\)

The first report of crime was therefore materially different from other police writing, since its authorship was shared by the informant and the policeman.\(^7\)

Consequently, as opposed to other forms of police writing, the F.I.R. could be used as evidence in a criminal case, although only in a restricted manner.\(^8\) Furthermore, it could be used under Sec. 9 of the Indian Evidence Act, 1872 as a fact which established “the identity of any thing or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened.”\(^9\) Building upon

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\(^{5}\) E.g. Ramaswami, *Magisterial and police guide*. “It frequently happens that such information is given by the village servant or by some other person who is himself unacquainted with the facts reported except on hearsay and the police officer does not record information required by sec 154 but after some interval of time record as the first information the statement of an eye witness or some person cognisant himself of the occurrence. This is not the FIR contemplated by law.” Pp 515-18


\(^{7}\) The F.I.R. form clarified that “a first information must be authenticated by the signature, mark or thumb impression of informant and attested by the signature of the officer recording it.”

\(^{8}\) It could not be used as substantive evidence, but could be used to corroborate or contradict the testimony of the informant. Ratanlal and Thakore, *The Criminal procedure code (Act no. V of 1898)*. Ramaswami, *Magisterial and police guide*.

Akhil Gupta’s analyses of bureaucratic writing, I suggest that the format of the first report of crime, i.e. that it was a form, strengthened the F.I.R.’s role as judicial evidence.\(^{57}\) Certainly, it was summoned by judges as an arbitrating piece of evidence, a fact as it were, establishing the time of the crime and identity of the culprit in numerous court-cases from the first half of the twentieth century. While the F.I.R. did in fact contain a contestable narrative of an event, its standardized form helped mask this narrative, and it tended to appear instead as data. By containing clearly defined categories that called for short responses, the form excluded detail and variation in reporting crime. Rather, it appeared as an anonymous document containing portable, standard data (a time, a name, a venue) that answered evidentiary requirements and was legible to a court outside of specificities of context.

Judicial records of criminal cases from the 1930s onwards indicate that legal subjects – defendants, plaintiffs, lawyers, and judges – appropriated the idea that the F.I.R. was central to authenticate the facts of a case, specifically the identity of the accused and the time of the crime. For instance, appealing unsuccessfully against a lower court’s decision to acquit the accused in a case of extortion in 1930, the plaintiff argued that “the omission of the names of accused 6 and 7 in the copies of the F.I.R. is certainly a clerical mistake and cannot be suspicious or make the prosecution version in any way improbable.”\(^{58}\) In a case from 1937, the Madura Sessions Court convicted


\(^{58}\) G.O. 4241 Law, 6 October 1930, TNA. p. 13.
Balu Naidu, a weaver from the city, of having stabbed to death his ex-concubine Govindammal’s paramour. Appealing against the decision, Naidu pointed out that although the police had heard of the event from a passer-by, they had not registered that information as the F.I.R. Instead, they had sent a constable to the site of crime and taken Govindammal’s statement as the F.I.R. Naidu argued that the court had “failed to appreciate the evidenciary (sic) value of the unexplained delay in the recording of the first information, while the occurrence has taken place in a big city, with electric lights and where the police station is within a few hundred yards off and when all witnesses are aware of their civic responsibilities.”

Unlike in a town where a police-station was often only “a few hundred yards off,” in the countryside, the timing of the F.I.R. engendered politics that centred on the village police in the first half of the twentieth century. Advocates painstakingly established or questioned the validity of a crime’s F.I.R. by estimating the distance between the site of the crime and the nearest police-station, the path taken by the village talayari to reach the station, the state of his health and of the road, weather conditions, and so forth. Ramaswami’s *Magisterial and Police Guide*, published in 1931, had detailed instructions on this matter for the policeman and for the court.

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59 G.O. 3855, Home, 28 September 1937, TNA. These are just a few among several cases that debate the validity of the F.I.R.

60 Naidu was somewhat successful in his appeal. There was no consensus among the High Court judges and, finally the government commuted his death sentence to one of transportation for life.

61 Emphasis mine. Appeal petition to the High Court in Ibid.

62 The Tirunelveli Sessions Court acquitted the accused in a riot case that happened in 1920, on the grounds that there was excessive delay in filing the F.I.R. at the police station, which was only 2-3 miles from the village where the crime had occurred. On appeal, the High Court decided that the delay was not excessive and convicted the accused. G.O. No.2058, Law
The distance from the village to the police station and the interval of time occupied in sending off the F.I.R. and necessary for the journey on foot are points of importance which every criminal court is bound to examine with care. The distance is generally several miles at least and village servants, especially at night, and in the small hours of the morning, do not hurry themselves. To these village servants, time is of no importance.  

While judicial courts deliberated over the logistics of a trek, witnesses and police officers presented the problem of the F.I.R.’s timing as entangled in village politics, specifically, in the power wielded by the village magistrate. The speedy and fact-based reporting of crime facilitated by the F.I.R. and the reduced investigative power exercised by the village magistrate did not end concerns about false cases or fabricated evidence. To the contrary, the enhanced value of the F.I.R. in criminal trials made the village headman and watchman central characters in rural politics. D. D. Warren, a retired civil servant of Madras, reminisced that talayaris, who “were supposed to report serious crimes to the police Sub-inspector through the village headman, who wrote the report – the First Information Report or F.I.R… did not take

(General), 30th November 1921, TNA. In a case of murder that took place at 10:30 a.m. in Nalli village in Madurai in June 1944, the F.I.R. reached the Sattur police-station, which was nine miles away, only at 8:45 p.m, provoking considerable debate on its validity during the trial. IOR: L/P&J/7/7306, British Library. In a murder case from 1945, the talayari claimed that he had been delayed in submitting the first report because “he was bitten by a scorpion on the way.” IOR: L/PJ/710164, British Library. The Madura Court spent considerable time to justify a delayed F.I.R. towards establishing the time of the crime in another case of murder from 1959. According to the F.I.R., the murder had happened at around 5 p.m. on 21 October. However, the F.I.R. was registered at the Usilampatti police station only at 2:45 a.m. on the 22nd, raising the possibility that the plaintiff had in fact committed the murder late at night on the 21st. Detailed interrogation convinced the judge that the person informing the village munsif of the death had not had enough cash to take a bus, had therefore walked the distance, and that it had rained that evening – a combination of factors sufficient to explain the delay and, concomitantly, justify the use of the F.I.R. G.O. 1740, Home, 23 May 1961, TNA.  

bribes, except bribes to give false evidence in criminal cases.”64 In a lecture he gave at the Vellore Police Training School in 1905, police inspector Sanyasayya Naidu complained about the incompetence of the village police in preparing the F.I.R.65

Very often, it will be found that the village heads are incompetent to do their duty (of reporting crime) in an efficient manner, as some, if not most, of them are illiterate and not intelligent enough for the execution of the work. An ignorant… village magistrate will sometimes draw up a foolish report which will vitiate an important case; while an intelligent village magistrate (a rare commodity) will either conceal certain facts, or add something which never occurred, to suit his own purposes. But the whole fabric rests upon these First Information Reports which are the basis of all criminal cases.66

Judges too raised doubts of village magistrates’ integrity in criminal cases. Dismissing a charge of murder against accused Chidambaram Servai in 1910, the Madurai Sessions judge commented on the “frequent indications in this case that villagers were at work in investigating into or getting up facts... It is difficult to imagine that three village munsifs would all join in giving false evidence on the point. But nevertheless I have grave doubts regarding the bona fides of this production.”67

Witnesses in criminal trials, policemen, and colonial officials attributed the mendacity of village magistrates to the fact that they often belonged to one of two factions within the village. For instance, Edward Colebrook, an officer in the Madras

64 Note by Mr.D.D. Warren, I.C.S. (Retd.), in Colebrook Papers, MSS Eur D789/17, British Library.
65 The lecture was later published as a pamphlet. P. S. Naidu, Crime : its investigation and detection. A pamphlet intended for sub-inspectors of police (Madras1907).
66 Ibid. pp 6-7.
67 Sessions judgment, G.O. 1348, Judicial, 5 September 1910, TNA. This particular case involved three munsifs because the victim was from one village, his body was found in another, and a friend of one of headmen accompanied him to the inquest.
police from the 1920s to ‘40s, wrote that the village police’s “capacity and reliability varied enormously. They were themselves at times involved deeply in factions and in crime.”

W.S. Meyer, advocating a reorganisation of Tirunelveli district boundaries in 1909, remarked that it required urgent relief “mainly owing to the heavy responsibilities imposed on the district and divisional magistrates by reason of the factions and lawless character of a large portion of the population.”

“Marava Forms” and “Part IV Forms,” which were filled in by police inspectors for each village under their supervision, specifically inquired about the factions in the respective village.

Ayyappa Naicker, accused of killing his neighbour Guruswami Naicker in 1944, claimed that the case was “a false one, laid on account of enmity.” Avadaisangu Thevar, charged with murder in 1944, pleaded: “P.W.s 4 and 11 to 13 are perjuring against us owing to factious enmity.”

But what were these village factions that exercised such a powerful effect on legal proceedings? David Hardiman alerts us to the problematic assumption shared across schools of academic thought that “India is, by tradition, a factious society.” In such writing, factionalism is depicted “as a positive force, a cancer which spreads

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70 See Chapter 1 for a detailed discussion of these forms.
71 Accused Ayyappa Naicker’s statement in the Tinnevelly Sessions Court, 10 July 1944. IOR: L/P&J/7/7189, British Library.
72 IOR: L/P&J/7/7306, British Library.
irresistibly through India’s political institutions.” Rather than view factions as an unchanging essence of Indian village life that impeded judicial process, I examine instead how factions were reproduced through judicial institutions and practices that gained ascendancy in the Tamil countryside. False cases and factional politics centred on the village magistrate had occurred in nineteenth-century Madras as well; however, this chapter focuses on the ways in which the bureaucratised role of the V.M. and the value of the F.I.R. in criminal process influenced rural politics in the first half of the twentieth century. I suggest that the role of the village police in reporting crime shaped rural conflict, so that filing a criminal charge with the police was itself a mode of conflict, not simply a legal resolution of a conflict that had happened earlier or elsewhere. Furthermore, registration of a case as well as giving witness testimony during criminal trials became significant events in local memories of conflict. The following section examines in greater detail how the institution of criminal cases got imbricated in the politics of a village and, conversely, how the politics of a village were expressed in the language of law, in the southern districts in twentieth-century Madras.

**Politics in the village**

Station-house records, which were running notes maintained by police inspectors on the various villages under their jurisdiction, frequently mention factional

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74 Ibid. pp. 226.

75 The Madras Foujdari Adalut heard a case of assault and robbery from Tirunelveli in 1853, where members of one faction attacked those of another and took them to the police station and placed a false charge on them. The village munsif belonged to one of the two parties and had reported cases of theft against members of the other party in the past. *Report of cases determined in the court of the Foujdaree Udalut* (Madras: Athenaeum Press, 1853).
disputes between headmen and other residents of a village.\textsuperscript{76} In some cases, policemen were reluctant to investigate cases filed by certain villagers, suspecting that they were “false cases,” registered with them simply as part of the dispute. At other times (and relatedly), they attributed factions in a village to the role played by the magistrate in reporting crime. For instance, the police inspector for Manoor station noted in 1932 that there was “a strong ill-feeling between the V.M. who is an acting man from Tinnevelly and the karnam,\textsuperscript{77} the permanent resident of Manoor, in which one is trying to entangle the other in some criminal case or other.”\textsuperscript{78} In 1935, he commented that the conduct of the Kanarpatti village magistrate was “questionable (since) he lives on arbitrating in minor disputes.”\textsuperscript{79} The Thazhiyoothu police inspector considered a particular headman to be “unscrupulous and associating with the rowdy elements of the village;” together, they “arbitrate(d) mischief and violence against people of any caste who (did) not submit to their fancies.” In addition, he observed that there was faction between the V.M., who was supported by the Maravars of the village, and Namasivayam Pillai, who headed the Pallars.\textsuperscript{80} The Sankarankoil station inspector observed of Nagaram village in 1937 that “both the karnam and the V.M. of the village have been trying to implicate the one against the other in some criminal

\textsuperscript{76} The station house records that I could access date from the early 1930s, and pertain to Tirunelveli district.
\textsuperscript{77} The \textit{karnam} was the accounts officer for the village.
\textsuperscript{78} Manoor police station Manoor village, part IV general information, n.d. (1932 or just earlier).
\textsuperscript{79} Manoor police station Kanarpatti village, 1935
\textsuperscript{80} Thazhiyoothu police station Rajavallipuram village Marava form. Unfortunately, the form is not dated, but may have been filled in the early 1940s, which is the date on the Marava forms from the adjoining police stations.
case or other.”

In 1958, his successor observed that the faction between V.M. Murugiah Thevar and Vellapandian of Kalappakulam village was due to the V.M. reporting the latter’s activities that violated the Prohibition (of alcohol).

Through creative use of filing cases, conflict among villagers could play out almost entirely in the police-station, rather than in the village or the court-house. For instance, the Manoor police recorded at least nine cases filed by disputants from Pillayarkulam village over the course of two years (1936 – 1937), of which only two made it to the court, and even in these two cases, the accused were acquitted. The story began when Picha Thevan, who had property disputes with some other villagers, filed a case against Arunachala Thevan and fourteen others; the police refused to investigate the case. In retaliation presumably, Arunachala Thevan’s son filed a couple of cases against Picha Thevan. The police dismissed one of the cases, claiming that “the complainant was found to have twisted the facts.” Next, Madakannoo Thevan, with whom too Picha Thevan had a property dispute, filed a case against him. The police dismissed this case as well. And so back and forth, the disputants expressed their dissatisfaction regarding property ownership through registration of criminal cases. The V.M. was also part of the conflict and, according to the police, wrongfully filed a case of assault against Picha Thevan. The police registered and investigated four more related cases, filed charges in two, of which one was discharged at the

81 Sankarankoil Taluka police station Town records.
82 Sankarankoil taluk police station Kalappakulam village notes, dt. 8 may 1958.
83 Manoor police station Melapillayarkulam village, July 1937.
lowest court, while the other alone reached the district-level Sessions Court, where the accused were acquitted.

Police refusal to file cases reflects, in part, their familiarity with the politics within the villages that they monitored. But it also indicates that policemen themselves were exercising their discretionary authority in deciding which cases to pursue. By dismissing a case as false, police constables were not simply being incompetent or corrupt; rather, they were exercising power at an everyday level. This is along the lines of Jonathan Saha’s argument that malfeasance among subordinate officials in the quotidian practice of law in late nineteenth- and early twentieth-century British Burma was a performance of state power, and thereby constitutive of the colonial state.84

The fact that village police often belonged to castes that were deemed “criminal” in colonial legislation arguably fuelled the discretionary exercise of police power in registering crime. Village headman, as mentioned earlier, often belonged to the Thevar and Naicker castes. While the talayari of pre-colonial times had typically belonged to the Dalit castes,85 talayaris mentioned in police and judicial records of

84 “… the quotidian practice of the law in the Burma delta suggests that it was a performative resource of state power that could be appropriated and manipulated by subordinate colonial officials. In other words, by performing legal duties, even duplicitously for malevolent ends, subordinate officials were making the colonial state.” Jonathan Saha, "A Mockery of Justice? Colonial Law, the Everyday State and Village Politics in the Burma Delta, c.1890-1910,” Past and Present 217(2012). Pp. 192. Saha in turn draws upon a large historiography on colonial law and the “everyday state”.
the twentieth century invariably belong to the Thevar or Naicker castes. In the 1860s and ‘70s, Dalits were weeded out of the formal policing corps in Madras on the grounds that as untouchables they would not be able to conduct searches or mingle with the larger population. Perhaps this belief was extended to the village police too. Further, David Arnold points out that the Company state pensioned off kavalgars, or transformed them into local police, “barely distinguishable from talayaris.” As the state criminalised kaval and legitimised the position of the talayari, kavalgars (who were Thevar or Naicker) may have taken over the post of talayari. Thus, by the early twentieth century, the village police largely belonged to the relatively powerful Thevar and Naicker castes.

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86 E.g. Irulappan Servai in IOR:L/PJ/7/3973, Muthukrishna Servai in IOR: L/PJ//7 4508, Ramasami Thevan in IOR:L/PJ/7 4828, Sundara Naicker in IOR:L/PJ/77306, Subba Naick in IOR:LPJ/7/10164, Sudalaimuthu Thevan in G.O. 2439 ms, Home, 1957, TNA. The Station Crime History Part IV form maintained for each village in Tirunelveli asked specifically if the talayari of the village was a Maravar (In almost every record that I saw, the talayari was a Maravar. The form was probably different in Madurai, where there were more Kallars than Maravars.) Manoor police station Kanarpatti village, Maavadi village, Melapillayarkulam village, Nanjankulam village, Pallikottai village, Manoor village. Panavadali Chatram police station Sayamalai Valasai village. Thazhiyoothu police station Rajavallipuram village, Ananthakrishnapuram village, Chatram Kudiyiruppu village, Naranammalpuram village. Tirunelveli Bridge station Vilagam village. Palayankottai police station Tiruvannathapuram hamlet. Sankarankoil Taluk station Kalappakulam village.

87 There was also a belief that lower-caste communities tended to be criminal. Arnold, "Bureacratric Recruitment and Subordination in Colonial India: The Madras Constabulary, 1859-1947 ". p. 6. Maclean writes that low castes were as a rule not hired to the police force. Madras (India : Presidency) and Maclean, Manual of the administration of the Madras presidency, vol.1 p. 190.

88 Arnold, "Dacoity and Rural Crime in Madras, 1860-1940." pp. 154

89 A confusion of terms between talayari and kavalgar in the records is one indicator of this. See 29/mgl/1910, dated 3/8/1910 for an example of the terms being used interchangeably. To further the confusion, the government named its village police system comprising headmen and watchmen as circar kaval, to distinguish it from the kudikaval of old. Andrew J, "Statement of the Police Committee on the Administration of the District Police in the Madras Presidency." Enclosure 36, by Tirunelveli Deputy Collector dated 16 March 1881.
Thevars, many of whom were declared criminal under the provisions of the Criminal Tribes Act, 1911, were the objects of harsh and continuous state policing. Policemen kept a special watch on members of this caste while on their beat, and persons notified under the Criminal Tribes Act, 1911 had to report themselves at police-stations regularly.\textsuperscript{90} It is possible that policemen drew upon colonial discourse about the inherent criminality of Thevars in choosing to register or dismiss their complaints. For instance, in Picha Thevan’s story mentioned above, the policeman somewhat obviously revealed his contempt for the man: “he was and is mad after women. He has the vice of drinking,” he declared. Likewise, while dismissing the V.M. of Rajavallipuram as “unscrupulous and associating with the rowdy elements of the village,” the Thazhiyoothu police inspector clarified that he was supported by the village Maravars. On 18 June 1932 in Sankarankoil Taluk, there was a quarrel between Sundriah Thevar and his cousin Chokiah Thevar on the one hand, and Pattamuthu Chetty on the other, over the sharing of common tank water for their respective fields. “From exchange of water they came to blows,” and all three were grievously injured.\textsuperscript{91} Sundriah Thevar and Pattamuthu Chetty died a week later in the hospital. Chokkiah Thevar, incidentally, was the brother of the acting V.M. According to the police inspector investigating the case, “both the parties exaggerated their complaints and implicated innocent persons and came up with coached-up witnesses.” The inspector dismissed the entire case and cautioned his subordinates that “in these

\textsuperscript{90} For other examples of criminal tribe policing, see Chapter 1.
\textsuperscript{91} Sankarankoil police station Vadakkapudur village, December 1932
parts there is a tendency noticed on the part of the people to swear to falsehood and implicate all their enemies whenever there is any occurrence.”

Policemen were not alone in suspecting the veracity of F.I.R.s filed with them. The filing of false cases with the state police occupied an importance place more generally in local imagination too. Witness testimonies recorded in criminal cases that did reach the higher judicial courts repeatedly provide evidence of this. (The realities of archiving imply that detailed court records are typically available only for cases of murder, since records of criminal cases that ended at the lower courts were either destroyed periodically or are only maintained in the judicial department’s record rooms, usually inaccessible to the historian. In contrast, cases of murder went up to the Madras High Court, either for a death sentence to be confirmed, or on appeal, and are therefore stored in the government archives. Admittedly, cases of murder represent an extraordinary moment in rural life. However, these rich records include detailed witness testimonies provided at the lowest and district-level courts. The abundance of testimony not only throws light on the politics of the specific murder trials, it also allows us to glean the longer pre-histories of the crimes, which usually go back ten or twenty years. This pre-history indicates a more continual judicial presence in the

92 Sankarankoil police station Vadakkapudur village, December 1932
93 Witness testimonies were also recorded in cases that went on appeal to the Privy Council in London. Unfortunately, the Privy Council began to accept criminal cases from the colonies only in the 1940s, leading to the preservation of a rich archive, but only within a small window of time. Records of cases that stopped at the High Court are preserved more erratically at the Tamil Nadu Archives.
94 Specifically, the files include statements given by the accused at the preliminary sub-magistrate’s court, prosecution and defense witness testimonies at the district court, documentary evidence used in the case, the district Court’s judgment, the appeal made by those convicted to the High Court, and the High Court’s judgment.
Tamil countryside, where people interacted with the police over an array of disputes – the theft of a bull, the cutting of a tree, temple privileges, harvest yields, unreturned loans, the possession of unlicensed arms, harbouring criminal suspects, dacoity, and so forth. The records of murder trials thus act as a window into more minor criminal cases which are not as well preserved in the judicial archive.)

The records pertaining to a fatal confrontation between two groups of people which took place in Khansapuram village on 11 April 1929 are one among several that demonstrate the place held by the filing of cases in popular discourse. The following excerpt is taken from the responses of a prosecution witness, Sangiah Thevan, when he was cross-examined by the defence counsel. The lawyer’s questions, which we may guess from the nature of the witness’s answers, attempt to establish the witness’s bias and thereby reduce the value of his testimony. He draws attention to cases filed in the past by members of the conflicting groups against each other. Often the crime itself, e.g. the theft of a bull, a kaval infraction, or a dispute related to the local temple, appears trivial relative to the importance of the judicial proceedings that followed it. The lawyer also emphasizes Sangiah’s past role as village magistrate and hints at his having misused this position by filing false cases. Unmindful of the details of Sangiah’s past, the tone of the lawyer’s questions, which is seen across cases, points to the place of false cases and the village magistrate’s power in popular discourse.

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95 This case had a high-profile because the first accused was related to the Raja of Ramnad. Go 3277, Law, 4 August 1930, TNA.
96 Incidentally, at least one of the bull-theft cases referred to was dismissed by the investigating inspector as false and based on an unfounded allegation. The complainant went to the higher inspector and complained that the police were colluding with the suspects. Testimony of Pitchaya Pillai, Watrap Sub-inspector.
Sangiah’s responses, in turn, neatly address the subtext of the lawyer’s interrogation, as he dissociates himself from the politics of past cases.97

There is enmity between me and accused 1 and 2 for the last 5 or 6 years. The enmity is due to dispute regarding Mangamma temple and Kondi Kaval. On that account there is faction in the village. There was a case in respect of Mangamma temple and a security case in respect of the Kondi Kaval dispute… I was acting as village munsif for one month about 6 or 7 months ago… There was a criminal case against Accused 1 in connection with the temple. It was a dacoity case. I was a witness against Accused 1 in that case. The police cited me and I gave evidence. I do not remember if Nallathambi Chetti and Padukolaikara Tevan were witnesses. The accused were acquitted in this Court… Accused 2 did not file any case against me. He never filed a case against me. Accused 2 was an accused in the dacoity case… I do not know if 2 years ago (Accused 4) filed a case of theft against accused 5,6,7,10. He did not file any such case at my instigation. I do not know if the judgment in that case has stated that it was filed at my instance. I do not know if one Arunachala Pillai filed a bull theft case against Accused 4, 10 and 13. He did not file at my instance… Accused 9 is a witness against me in a bull theft case pending in the Srivilliputtur Magistrate’s Court… Accused 2 had harboured an offender in his house. I pointed out the offender to the Police. I do not know if that case ended in acquittal. There was a security case against accused 1, 2 and others in connection with the kaval dispute… They were not initiated at my instance… Witnesses Marimuthu Tevan and Krishna Tevan are co-accused with me in the bull theft case pending at Srivilliputtur.

In addition to witnesses and lawyers, persons accused in criminal cases also drew upon the narrative of false cases to routinely claim in court that they were victims of the V.M.’s ability to report crime. For example, Velmuruga Thevan,

97 For another example of a witness dissociating himself from past cases, see the testimony of Masanam Servai. “I do not know that there was a murder case against my father and brother and others about accused 11’s mother’s murder, nor that my father and elder brother were convicted for that case within the last 10 years. I do not know if accused 1’s mother was a prosecution witness in that case.” IOR: LPJ/7/3973, British Library.
accused of murdering Ramaswami Naicken in December 1940, pleaded that he knew nothing concerning the case. “Witnesses have given evidence considering the faction in this village. This case has been brought against us at the instigation of the V.M.”

Likewise, Irulappan Servai, accused of having murdered the village munsif’s father, Ramasami Servai, vowed that the V.M. had “written him” into the judicial record. He declared,

There is longstanding enmity between me and the headman. On account of that enmity, (he) has written (implicated by writing) me in this case, along with my youngest brother. Besides that, (he) wrote (implicated by writing) also my wife, my father and my brother-in-law. All have been falsely implicated.

It was not only during court proceedings that histories of filing cases were dug up; the filing of cases also found its place in the coils of rumour.

After one Palanivelu Tevan filed a couple of cases against him, Sangiah Thevan (mentioned

98 Privy Council Appeal of Velmuruga Thevan. Exhibit K1 in Madura Sessions Case Records. IOR: L/P&J/7/4828, British Library.

99 Privy Council Appeal of Angamuthu Servai. Deposition in Ramnad Sessions Court, dated 2 March 1940. Translations by court translator, V. Subramanian. Another accused in the same case, Angamuthu Servai, threw more light on the history of past confrontations between him and the V.M. “A dacoity case went on against me before the occurrence… The deceased Ramaswami Servai and talayari Irulappa Servai were accused in the case of murder of my senior paternal uncle and my uncle. My father was complainant therein… The said Ramaswami Servai has been sentenced to Rs.30 fine and three months imprisonment in the case filed by Masukutti Masanam Servai another senior paternal uncle of mine, as complainant. After this V.M. took charge of his work, three cases were filed against us and the three have ended in acquittal… The said Ramaswami Servai and this V.M. filed a case against me and my father of having cut the crop in spite of distraint and that was dismissed.” Tenth Accused Angamuthu Servai’s statement in the court of the Sivaganga Taluk magistrate, dated 18 January 1940. IOR: L/P&J/7/3973, British Library.

above) had left the village to go the nearest town, Madurai, hoping to escape further charges. One Monday, he returned to the village. “On Tuesday morning (he) heard a rumour that Palani Tevan had again complained.” Likewise, a rumour in the village that the first accused in this case had not even been physically present in the village on the day of the crime reached the Government of Madras. The Ramanathapuram District Magistrate, who investigated the matter, denied any truth to the rumour. “My own conclusion,” he explained, “would be that some person of influence had spread a story that the first accused was innocent leaving local imagination to fill in the gaps.”

False cases thus figured prominently in how inhabitants of the Tamil countryside spoke about conflict, indicating first, popular perceptions of who local power-holders were and, second, the fact that local power-holders worked through the state’s judicial apparatus to exercise power. Furthermore, repeated mentions of false cases does not only point to how colonial subjects perceived the V.M.’s use of bureaucratic authority; it suggests also that the memories of past judicial confrontation themselves shaped conflict. One reason for this was that filing cases, as seen in most of the cases mentioned above, naturally brought into its fold several residents of the village. This was true of even petty cases. For instance, an F.I.R. was filed in the Kalligudi police station on 26 September 1939, regarding the theft of jewels and cash worth Rs. 45 from the house of one Valiammal Nadar, in Arasapatti village. As many

101 Exhibit VIII. Sangiah Tevan’s testimony in the Court of the Srvilliputtur Submagistrate in G.O. 3277, Law, 1930, TNA.
102 Ramanad DM’s letter to GOM, dated 14 July 1930, in G.O. 3277, Law, 1930, TNA.
as fourteen witnesses were cited in the police charge-sheet, of whom nine were residents of Arasapatti village, including the village munsif Velusami Thevan. One of these nine witnesses, Subbaya Thevan, refused to testify in the sub-magistrate’s court, claiming that “(he would) not speak to what he did not know.” A year later, Subbaya Thevan himself was charged with a murder. In his defence, Subbaya claimed that his refusal to testify in the theft case had earned him the enmity of the head-constable, the village munsif, and other villagers, and that “at the instigation of (his) enemies, on suspicion, they have brought this false case.”

The murder of Periyayya Servai, the headman of Karseri village in Madurai was another instance where the very politics of filing cases escalated conflict. On the morning of 16 August 1940 Periyayya was stabbed to death by Pitchai Servai, another resident of the village. Witness testimony in this case does suggest conflict between the families of the deceased and his assailant on the stereotypical issues of land, women, and prestige. Periyayya, who belonged to a relatively low caste (he was either a Padayachi or a Pallar), had converted to Christianity and assumed a pretentious caste name, Servai. This was resented by the accused and his father,

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103 Subbiah Thevan’s testimony in Madura Sessions Court, 20-12-1940 in IOR: L PJ/7/4517, British Library.
104 Written statement in the court of Tirumangalam Sub-magistrate, 4-10-1940, in IOR: L PJ/7/4517, British Library.
105 IOR: L/P&J/7/4763, British Library.
106 The village munsif, was ‘Indian Christian’ i.e. a native who had converted to Christianity (either in his generation or an earlier one). As such, he had no caste according to the legal conventions of the time. In reality his neighbours presumably knew the caste he had belonged to before his conversion. His last name, Servai, strongly suggests that he was an Agamudaiya, a Thevar sub-caste. This is how he declared himself in a case of theft in which he was a prosecution witness a couple of months before his murder. On being cross-examined, however, he retracted his words, admitting that he belonged to the Padayachi caste which, in the local ranking, was very probably lower than Thevar. Likewise, in the preliminary case
who prided themselves on being the only true Servais in the village. Additionally, the
two families had had numerous disputes over land across three generations. The
deceased had also had an affair with an estranged member of the assailant’s faction.

However, what is as notable in the testimony is the extent to which the
members of the factions were entangled in multiple civil and criminal cases against
each other. “There was dispute between Subbiah Servai and Doraiswami Servai about
the lands. The deceased and I gave evidence on behalf of Doraiswami. That was 10 or
15 years ago,” said one witness for the prosecution. “I was a prosecution witness in a
case of theft against the younger brother of the accused. I signed the attakshi
(certificate) in that case for recovery of property without reading it,” said another. Yet
another confessed to having given “evidence in the theft case two or three months
before this occurrence.” And a final witness claimed that he had been “a prosecution
witness in C.C.No. 406 of 1940 in the Taluk Magistrate’s Court, where accused’s
brother was an accused.”

The rivalry between the deceased and the accused had also been sharpened by
Periyayya’s role as headman in reporting crime. In fact, prior to the murder, the
accused’s father had complained to the district police that Periyayya had threatened to
entangle him with the law “and send him to jail,” adding that he was “highhanded and
unlawful... by virtue of the position and power he wields as village munsif.” Just four

inquiring into the death of Periyayya, his uncle, Samuel Servai, declared himself as Christian
by faith and Padayachi by caste. Periyayya’s neighbours thought of him as neither Thevar nor
Padayachi but, in fact, as Pallar, unambiguously the lowest among these castes. E.g.
Subrahmania Velar, another witness, stated that “there is no friendship between Periyayya’s
family and my family nor acquaintance. He is of Pallar caste. I will not go to his house”.

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days before his murder, Periyayya had deposed at the inquest into the death of a woman of his village, and implicated Pitchai’s brother in the death.\textsuperscript{107} He had also testified in the investigation against another of Pitchai’s brothers in a case of theft.\textsuperscript{108}

Witness testimony thus revealed a world of conflict that certainly included disputes over property and social status, but was also shaped by past judicial confrontations. Lodging police cases and giving evidence in court was an important component of witness recall across criminal trials, suggesting that the act of initiating judicial proceedings was itself part of conflict within a village. The conflict between Periyayya Servai, a Dalit headman, and Pitchai Servai also illustrates how access to village headmanship was used to negotiate social status. Even as they deployed the state’s judicial resources to their own ends, colonial subjects such as Periyayya and Pitchai Servai adapted “to a new set of discursive and institutional structures… a new idiom for legal processes.”\textsuperscript{109} To that extent, the police were not the representatives of a weak or distant state that struggled to make inroads into traditional rural hierarchies.\textsuperscript{110} Rather rural inhabitants actively used the state’s policing machinery towards negotiating disputes and status. Historian Niels Brimnes has written about elite groups in eighteenth-century Madras who engaged in civil litigation around property

\textsuperscript{107} Periyayya alleged that the woman had had a secret affair with Pitchai’s brother, got pregnant, and died after taking some medicines to abort the child.

\textsuperscript{108} In fact, this case had been scheduled to be heard on 16 August, the day Periyayya got murdered, but had then got postponed.


\textsuperscript{110} Cf. Washbrook, "Law, State and Agrarian Society in Colonial India."
and used colonial courts as a space of contestation of their social position.\textsuperscript{111} In a similar vein, I argue that the police institution was pivotal to a realm of rural politics and judicial contestation that did not always enter the courtroom but, instead, largely took place in the village and in the police-station.

**Property rights and criminal procedure**

Battles in the police-station were, however, not entirely independent of civil litigation; rather, the paths of civil and criminal disputes criss-crossed in everyday life in rural Madras. Civil proceedings relating to property were not always fully resolved by a legal judgment or executive decision; often, they had an afterlife outside the court-room or magistrate’s office. I suggest that the filing of “false cases” was part of this afterlife of conflict. In this final section of the chapter, I propose that the police-station offered an alternative point of entry into the judicial system for those legal subjects who lacked the resources required to participate in revenue proceedings and civil litigation. The emergence of the village headman as an alternative centre of bureaucratic authority to the village accountant facilitated the blurring of the boundary between civil and criminal conflict in the village.\textsuperscript{112}

Civil and criminal law were demarcated in colonial codes: the procedure to gain redress was different in each, their evidentiary requirements varied, and litigants

\textsuperscript{111} Brimnes, "Beyond Colonial Law: Indigenous Litigation and the Contestation of Property in the Mayor's Court in Late Eighteenth-Century Madras."

\textsuperscript{112} Incidentally, Frykenberg mentions that under the Raj, “Village Headmen (Munsifs) were given strength and prestige, with the consequence that karnamships waned. Non-Brahmans became stronger.” R.E. Frykenberg, "Elite Groups in a South Indian District: 1788-1858," *The Journal of Asian Studies* 24, no. 2 (1965). Pp. 281
accessed them through different governmental authorities. Concomitantly, legal
subjects had very unequal abilities to contest civil and criminal cases. Some were
illiterate, some lacked requisite land deeds, others had better access to the village
accountant, and so on. By and large, civil disputes required a measure of financial
muscle and access to documentary evidence that not all litigants had. In contrast, filing
a criminal charge called for a different set of resources; in particular, it benefited from
better access to the village police.

In the domain of revenue administration, the *karnam*, or village accountant,
was the local lynch-pin of bureaucratic state authority. The “corrupt *karnam*” is
accordingly a repeating character in property disputes recorded from Madras
Presidency.\(^{113}\) For instance, in 1911, two brothers of Chinnamanoor village charged
their step-brother, Nallayya Pillai,\(^ {114}\) who held the *patta* (property deed) to their
common ancestral land, with having cheated them of their share to the land.\(^ {115}\) The
plaintiffs claimed that Nallayya Pillai, “in collusion with the *karnam,*** had
relinquished the entire land in 1901 and gotten an interested third-party to buy it, with
a view to acquire the land for himself later. The suit was dismissed (with costs), since
the transaction had conformed to legal requirements: Nallayya Pillai was the registered
*pattadar*, and the *karnam* had signed the relinquishment. In 1923, Periyasami Pillai,
the *karnam* of Vilacheri village was dismissed from service for having taken bribes

\(^{113}\) The “powerful *karnam*** also finds mention in the historiography of the Company state. For
very different perspectives on this, see ibid. And Raman, *Document Raj: writing and scribes
in early colonial south India*.  
\(^{114}\) A member of the landed Pillaimar caste.  
\(^{115}\) Madura Collectorate file 725/rev 1911, 8/11/1911, DRCM.
from certain villagers and, in exchange, issuing to them invalid *pattas*. Apart from the relationship one had with the *karnam*, legal illiteracy was another issue that surfaced repeatedly in property disputes. Kumaraswami Mudaliyar of Periyakulum was one such person who got embroiled in civil proceedings because he did not possess the required documentary evidence of land ownership. In 1905, Kumaraswami petitioned the government claiming ownership over a plot of land which was classified in the government records as *poramboke*. The petitioner claimed that the land had mistakenly been declared as *poramboke* when he was a minor, and that his mother had unfortunately not objected to its classification. As an adult, Kumaraswami petitioned the government to amend the records. The government argued that in the absence of the original land deed issued to the plaintiff’s ancestors, it could not grant him ownership of the land. Thus Kumaraswami arguably lost his right to the land on account of his mother’s illiteracy in the language of the law.

Illiteracy and distance from positions of minor bureaucratic power especially disadvantaged certain caste-communities. In 1917, when one Subramanian Chettiar bought a piece of land in Vilacheri village, all the “rich, brahmin *pattadars* of the village” petitioned the government objecting to the sale, contending that the land belonged to the village commons. In another case from 1923, the Madura Tahsildar

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116 Madura Collectorate file 13208/1927 dated 11/2/1928, DRCM. For other examples, see Madura Collectorate file 15616/1931, dt. 18-4-1932. Patta = document of land ownership.

117 97/rev/1911, dated 9/2/1911, DRCM.

118 *Poramboke* = Unassessed land which is not privately owned.

119 For a discussion of how “writing is a key modality by which structural violence is done to the poor”, see Gupta, *Red tape : bureaucracy, structural violence, and poverty in India*. pp. 141.

120 The government vacillated for a few years on the decision, its indecisiveness aggravated by the complexity of rules governing land allotment occasioned by new, large irrigation projects.
announced the sale, through public auction, of 0.63 cents of land in Kovilpappakudi village. The sale was advertised in the district gazette and one Shenbagam Pillai bought it for Rs.360. A month later, Karuppanan Servai, another resident of the village petitioned the revenue authorities that the sale had not been publicised enough and that he was willing to pay twice the amount for the land. The officer conducted an enquiry, cancelled the original sale and ordered a resale. Oddly enough, the new buyer was not Karuppanan Servai, but a third player, Ponniah Pillai. Governmental correspondence renders opaque the politics informing purchase of land, but it is noteworthy that both successful buyers came from a caste-community (Pillaimar) that was traditionally more landed and literate than Karuppanan Servai’s (a Thevar sub-caste).

How did peasants contest decisions made by the revenue authorities? Some had the resources to repeatedly file petitions to the government, and failing that, to take the case to a judicial court, and appeal the court’s decision multiple times as it made its way up the judicial pyramid. For example, in the land assignment case from Vilacheri mentioned above, the “rich Brahmin” peasants first presented their objection to the District Collector, so that the sale was cancelled. The buyer appealed against the cancellation to the Board of Revenue, which set aside the Collector’s order, and restored the land assignment. The Brahmin peasants then filed a revision petition with the Board of Revenue, which cancelled its earlier order. In the meantime, the buyer

The Madura district munsif ruled in 1923 that the land was government waste affected by the Periyar project, and could therefore be resumed by government even after allotment. Madura Collectorate file 13208/1927 dated 11/2/1928, DRCM.

Madura Collectorate file 946/1925 dated 7/8/1925, DRCM. A cent is a commonly used measure of land in rural India, and equals 1/100th of an acre.
simply sold his land to someone else. Not all peasants had the wherewithal to undertake such long-drawn out revenue battles. Occasionally, peasants contested the revenue department’s decisions through their actions. In such cases, the village magistrate played a role in recording (or ignoring) these actions; in doing so, he criminalized (or authorised) them.122

But sometimes, peasants’ response to a government verdict on property was neither continued appeal nor a violation of the law, as suggested by Revenue Department files which simply close at some point, somewhat inconclusively.123 Judicial records, on the other hand, provide hints to the afterlife of a property dispute. Running through the allegations of false cases mentioned so far are suggestions of unresolved or unfavourably resolved property disputes. For instance, Subbayya Thevar, when accused of a murder, alleged that the case against him was false and had been filed at the instigation of his enemies. In addition to a history of judicial encounters, Subbayya Thevar mentioned multiple petty property disputes between him and the witnesses testifying against him. The nature of these disputes were such that

122 For instance, in 1905, the peasants of Kurayur village complained to the Madurai district officials that the peasants of Saluppa Pillayarnatham, a village located further upstream, were illegally diverting the waters of the river for themselves. The Saluppa Pillayarnatham peasants had been doing so for over fifteen years despite earlier orders of the Tahsildar prohibiting their use of the water. The V.M. of Saluppa Pillayarnatham ignored the issue, while the V.M. of Kurayur was negligent in reporting it. The government declared that “the ryots of Kurayur have been negligent in the matter, that mere protests without any enforcement of their rights cannot avail and that, in view of the long usage, any interference with the supply to the Pudukulam tank will involve the government in costly litigation.” The problem continued for another fifteen years, at which point, the use of the water by the Saluppa Pillayarnatham villagers had become custom, recognizable by the revenue authorities. Madura Collectorate file 9936/1922 dated 7/28/1923, DRCM.

123 This was the case with the sale disputed by Karuppanan Servai, mentioned above. Madura Collectorate file 946/1925 dated 7/8/1925, DRCM.
litigating through civil process would probably have been futile for a number of reasons, including inadequate documentary evidence. For example, one of the prosecution witnesses, Suriya Thevan, had received Rs.50 from Subbayya, in exchange for sending his sons to Ceylon with Subbayya’s father, who was a coolie labourer in the plantations there.\textsuperscript{124} He then reneged on his commitment and didn’t send his sons, but didn’t return the entire Rs.50 either, resulting in a quarrel between the two – a quarrel over money that certainly couldn’t have been resolved through civil process, since the original transaction was very probably illegal. A second dispute concerned the boundary between Subbayya’s property and that of his neighbour, the village munsif. And finally, Subbayya claimed he had sold his orchards to Perumal Nadar, another witness for the prosecution, who didn’t pay him for the land.\textsuperscript{125} Not all of these disputes made their way to the revenue department’s offices;\textsuperscript{126} some didn’t find resolution; but undecided, and possibly indeterminable, disputes such as these found their way into how people spoke about local conflict, imbalances of power, and the bureaucratic authority of the V.M.

\textsuperscript{124} There was large scale emigration from the southern districts (and also Salem and Trichy to the north) to the Ceylon plantations from the 1870s onwards (there was an especially large outflow with the famine of 1876, though emigration had commenced, in smaller numbers even earlier in the century). The Madras Revenue Administration Report of 1879-80 noted that Madura and Tinnevelly contributed the largest number of emigrants in the Presidency, most of whose destination was Ceylon. Indian labourers in Ceylon numbered 167,196 in 1877 and 687,000 in 1931. The conditions of recruitment to Ceylon were somewhat strict towards preventing exploitation by middlemen, called \textit{kanganies}. B.S. Baliga, \textit{Madras District Gazetteers: Madurai} (Madras: Government Press, 1958). Madras (India : Presidency). Dept. of Revenue., \textit{Madras Revenue administration report for 1879-80}, p. 58. Report of the Government of India agent in Ceylon, 1931 P. 2. IOR: V/24/1187, British Library.

\textsuperscript{125} Accused Subbayya’s Thevan’s examination in Madura Sessions Court, 20-12-1940, in IOR: L/PJ/7/4517.

\textsuperscript{126} The fact that Subbayya fails to mention pending legal proceedings on two of the three cases suggests that these were not filed.
Occasionally, the sequel to a property dispute did unfold in police-stations. A prestigious temple to which were attached four acres of land yielding an annual revenue of Rs.80 was the site of dispute between the Brahmins and Pillaimars of a village in Sankarankoil. In 1923, when the temple became decrepit, the Brahmins demolished it and built a new one in their quarters. The Pillaimars wanted to construct a temple of their own close to the Brahmin temple, but “the Brahmins moved the Revenue authorities” and stalled the attempt. Whether this was a conflict over prestige or revenue, it was won by Brahmins by deploying certain resources – of title deeds, perhaps, or of customary prerogatives. Though the issue of temple ownership had been resolved, conflict in the village continued for several more years. According to the policeman monitoring this village in 1931, “owing to the said dispute both the karnam and the V.M. of the village have been trying to implicate the one against the other in some criminal case or other.”

Likewise, in the late 1940s, two Dalit groups of a village spent over three years disputing the ownership of a plot of land that had been bequeathed to them in common. With the help of the karnam, one group went to the revenue authorities and gained ownership of the property. The other then committed arson, and charged those who had won the property with the crime. Their success in filing the case stemmed from their relationship with the V.M., which enabled them to file a delayed and false F.I.R – “the V.M. of the locality works for the

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127 Pillais too, like Brahmins, were typically landed and literate communities with considerable access to bureaucratic resources, though they lost this case to the Brahmins.
128 Sankarankoil Taluka police station Town records, July 1931.
pallars against the karnam and the parayars,” noted the local inspector. In this manner, subaltern communities such as the Thevars and Dalits negotiated local networks of power to contest their rights, albeit within the framework of the law. In the matter of property ownership, it was not only the karnam who influenced how disputes unfolded, but also the village magistrate through his policing powers, though perhaps in a more circuitous route.

**Conclusion**

This chapter examined the politics that were entangled with false F.I.R.s in the first half of the century in the Tamil countryside. Police-station journals and judicial records from this period indicate that colonial subjects filed criminal charges on issues that ran the gamut from the petty to the grave – breaching a dam, stealing a goat, assault, and murder. Yet, these records also suggest that policemen, judges, and residents of a village spoke of the filing of false cases as a commonplace occurrence. The chapter argued, first, that repeated mentions of false cases and of the role of village magistrate in filing them, point to rural inhabitants’ perception of local power equations, and specifically to the bureaucratic authority the V.M. wielded by virtue of his ability to report crime.

Second, false cases were not simply a manifestation of a flawed police institution. Rather, filing cases was itself an event in conflict, and repeated allegations of false cases indicate the extent to which rural inhabitants used the judicial machinery

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129 It was observed in the station journal that “there is faction between the pallars and the parayars of the village and the pivot being the land in S.No. 262/1.” Manoor police station Manoor village.
of the colonial state to negotiate their disputes. In particular, filing charges with the police was a form of confrontation that was more accessible to certain sections of the rural population than were the collector’s office or civil proceedings in courts, which typically required greater financial muscle and literacy. Filing cases thus enabled a form of politics that took place within the village and the police-station, more than it did in the court-house. Concomitantly, the police were not a distant presence in villages. To the contrary, policing procedures shaped the very modes of conflict within a village.

Thirdly, this chapter argued that the registration of “true cases” and dismissal of “false cases” by policemen was not just a consequence of village politics, but also an exercise of police power over subjects and citizens in the Tamil countryside. To that extent, policemen who exercised discretionary authority by arbitrating over oral reports of crime helped constitute the everyday state in colonial and postcolonial India.

The F.I.R. continued to be used as an instrument for politics in the second half of the twentieth century; however, the role of the village magistrate in these negotiations began to wane from the 1950s onwards. One simple reason for this is possibly that, increasingly, people began to report crime at the police-station themselves, instead of going through the village police. For instance, in a case of arson from 1951 the police inspector noted, as an aberration almost, that the Pallars went to the V.M. first, “instead of going to the police-station for report.” In a case of murder that followed a brawl in Kodarankulam village in 1956, one of the participants, Sankaralinga Thevar rushed to the police-station immediately afterwards, to display
his injuries and establish his narrative of the crime in the F.I.R. In March 1959, when Karuppana Kudumban of Mettupacheri village found Andi Kudumban stealing some cotton from his farm, he went immediately to the police-station to lodge a complaint about the theft.

A second reason for the diminishing role of the V.M. in police politics was the emergence of new figures of authority. Specifically, members of political parties and their grassroots organizations began to exercise authority in village politics. During the trial of Sankaralinga Thevar mentioned above, allegations of the case being false were rife, but they pointed to the authority wielded by the President of the village Kisan Sangam (Farmer’s Association), which was under the wing of the Communist Party. Likewise in a case of murder that took place in Tiramangalam in 1962, the accused claimed that the prosecution witnesses were inimical towards him because he belonged to the Congress party, while they belonged to the opposing Swatantra party. Neither the village magistrate’s authority nor a history of past judicial confrontations was a significant component of witness recall in these cases. In a significantly more famous case of murder from 1957, the accused U. Muthuramalinga Thevar, a Member of Parliament and representative of the Forward Bloc, accused the Chief Minister of Madras (who belonged to the Congress Party) of having misused his

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130 As it happened, the other participant, Sudalaimuthu Thevar, died, and Sankaralinga Thevar was charged with murder. The original F.I.R. filed by Sankaralinga Thevar was dismissed as false. G.O. 2439, Home, 1957, TNA.
131 The police station was a mere 600 metres from the village. G.O. 1519 ms, Public General A, 24 Sep 1960, TNA.
132 G.O. 2439, Home, 1957, TNA.
133 G.O. 2770, Home, 1974, TNA.
powers to ensure that “the first records of investigation… were themselves fabricated.”

Nonetheless, through this shift in relationships of power in southern Madras, the primacy of the F.I.R. as an instrument with which to stake legal claims remained undiminished. In turn, this points to the permeation within popular consciousness of a legal discourse that privileged “facts” in the adjudication of claims. In addition, other avenues of conflict notwithstanding, the continued negotiation over the F.I.R. suggests that colonial and postcolonial subjects routinely deployed the resources offered by the judicial system in their politics. To that extent, I argue that colonial law and policing had successfully reached down to the village to shape the language of popular conflict.

\[134\] Sessions Judgment in Immanuel Sekar’s murder case. G.O. 3050, Public, 1958, TNA.
CHAPTER THREE

THE MANY LIVES OF CUSTODIAL VIOLENCE

In colonial and postcolonial Madras Presidency, police torture was intermittently discussed among government officials and police officers, in judicial records and in newspapers. Each of these archives, however, suggests a very different narrative about the occurrence of torture. Government records chronicle a series of measures implemented to “free” the native constable from traditional methods of investigation that supposedly entailed coercion; newspaper reports are peppered with anecdotes of police oppression amidst governmental indifference; victim testimonies bespeak police brutality; while judicial records indicate that courts simply dismissed most torture allegations as untrue.

This chapter attempts to make sense of these divergent accounts of what took place within police custody i.e. during the twenty-four hours that a criminal suspect spent inside a police station. Although these events were secret from the public eye, they escaped the walls of the police lock-up to enter rumour mills, newspaper articles, court testimonies, and government reports. Not surprisingly, the account of custody got distorted in this passage, to spawn contradictory stories of custodial violence. Colonial officials viewed the moment of custody through the lens of native backwardness, which they tried to correct towards ending police torture. Subaltern victims saw custody as an expression of state violence – of which policemen were an integral part. Newspapers in the nineteenth century expressed nationalist outrage
against a colonial government, while postcolonial politicians used stories of torture to discredit incumbent governments.

In contrast to governmental actors, newspapers, and the people, who recognized police torture, albeit in varying forms, judicial courts simply could not ‘see’ custodial violence. This was the result of evidentiary protocol which became firmly established by the early twentieth century and remained unquestioned until the 1970s. Specifically, this chapter demonstrates how courts increasingly relied on medical evidence, at the cost of witness testimony, in cases of torture. While witness testimony emphasized the pain experienced by the victim of violence, medical testimony focused on the bare facts of bodily injuries. The two were often at odds, and courts inevitably dismissed charges against policemen that couldn’t be proved scientifically. The space of custody was thus an ‘invisible’ one – literally and through the protocols of judicial procedure. Consequently, torture was a crime that was rarely punished. Despite being recognized as a problem by the government and by local communities, the issue of police torture was never effectively addressed through the judicial apparatus.

In government writing, the native constable bore the brunt of the explanatory burden for the existence of torture; in journalistic reportage, governmental indifference (whether colonial or postcolonial) was to blame for custodial violence. I argue that these factors are inadequate to explain torture. Rather, the blindness of judicial process to custodial violence, which could be used by a complicit network that included the
policeman, government, medical expert and judge, helps explain the continuity of police torture in Madras from the turn of the twentieth century to the 1960s.

The problem of capture on the judicial record distinguishes a study of custodial violence in Madras from the literature on torture in police states.¹ Recent scholarly debates on torture, which focus on its practice in the context of war and dictatorships, centre on possible justifications for torture in the context of terrorism and the fragile nature of power in a police state.² The question of judicial redress does not enter the picture here.³ In contrast to a police state, torture was expressly prohibited in colonial and postcolonial Madras, making relevant the question of how the courts handled it. Although cases of custodial violence occurred through the twentieth century, policemen were rarely convicted of the offence. This situation, where torture was criminalized but its perpetrators seldom punished, was enabled by the ways in which torture was embedded in law enforcement – which first created a space of police custody, and then made this space invisible to judicial process.

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¹ It also sets it apart from the literature on other forms of police violence. Public displays of police violence, such as lathi charges and firings, were not uncommon in colonial and postcolonial India, but at stake here were issues of state control and societal rights, not a fundamental difference on whether or not a violent event had occurred.

² For instance, this debate is the governing theme in Sanford Levinson, Torture: a collection (Oxford ; New York: Oxford University Press, 2004). It also features in Thomas C. Hilde, On torture (Baltimore, MD: Johns Hopkins University, 2008).

³ The notable exception here is Darius Rejali, who studies torture in modern democratic states. Faisal Devji, who describes torture as “supplementary to formal politics... and whose purpose is to defend a political order that operates by denying such practices,” since they stand outside the rationality of democratic institutions, also focuses on the context of Islamic militancy and state action. Darius M. Rejali, Torture and democracy (Princeton: Princeton University Press, 2007). Faisal Devji, "Torture at the Limit of Politics," in Screening torture: media representations of state terror and political domination, ed. Michael Flynn and Fabiola F. Salek (New York: Columbia University Press, 2012).
I argue that the judicial process with which torture in Madras was entwined had undeniably colonial roots. Rules governing police custody were informed by assumptions on the backwardness of native society – in particular, the belief that the native constable had a proclivity to extort confessions from suspects. Courts, likewise, privileged scientific evidence over witness testimony in a society perceived as prone to perjury. These practices survived into the postcolonial period as well.

By making torture illegal and by presenting it as native error, the colonial state distanced itself from the routinized violence torture entailed. In fact, the exercise of police custodial violence relied on state authority and was imbricated in law enforcement, in multiple ways. First, the space of custody was inherently an unequal one, where the policeman exercised a monopoly of power. Second, to victims of torture, the act was not necessarily an “abuse” of state authority; to the contrary, they arguably identified offending policemen as state agents. This is indicated by the fact that victim accounts often drew attention to police uniform, specifically, their boots – a distinctive symbol of state authority. Third, the distance of the colonial state from its subjects implied that its judicial system was deaf to the voice of the victim of violence. Outside the courts, the state heard protests against torture only when they were expressed in a liberal language, in newspapers and legislative houses, which were accessible to a small, literate elite. And finally, the victims of custodial violence were quite often those who attempted, in very slight ways, to challenge prevailing socio-economic hierarchies. Thus, in many ways, police torture, although committed by the lowly constable, was a form of quotidian state violence.
While torture in twentieth-century Madras was almost completely deflected onto the native constable, this had not always been the case in British India. I begin my chapter with a brief look at the Madras Torture Commission of 1855, when torture was indeed perceived, at least partially, as an expression of violent state power. In 1855, there was severe outcry in the British Parliament about the practice of torture in Madras Presidency under the rule of the English East Indian Company (henceforth “Company”). The British government responded by appointing a Commission, which received hundreds of depositions from across the Presidency testifying to the prevalence of police torture. In an independent chain of events, the British Crown took over the administration of India from the Company two years later. With change in government, the terms of the debate on torture also shifted: torture began to be associated with the native constable rather than with the colonial government and its high revenue demand, as will be discussed in the rest of the chapter.

Company Rule and the Torture Commission of 1855

In the last two decades of the eighteenth century the English East India Company expanded southward from its base in Fort St. George, Madras, and by 1801, it had consolidated its rule in the Tamil-speaking districts of Madurai, Tirunelveli, and Ramanathapuram. The Company ruled over these provinces until the Revolt of 1857, when power was transferred to the British Crown. Ranajit Guha, who argues that colonial authority was throughout marked by ‘dominance without hegemony,’ nevertheless maintains that the first half century of Company rule was more so one of
brute force than the following century.\textsuperscript{4} In line with Guha’s periodization of colonial rule, the exercise of torture until the mid-nineteenth century was “universal, systematic, and habitual.”\textsuperscript{5} It was also quite public: victims were made to stand for hours in the sun, sometimes with a stone placed on their back, or flogged in public.\textsuperscript{6}

Subordinate officers of the government used torture for two purposes in the first half of the nineteenth century: to extract an inordinately high land revenue from peasant cultivators, and to extort confessions from suspects in police cases. However, the Company resolutely disavowed allegations that torture occurred under its rule.\textsuperscript{7} Finally, in 1855, following harsh criticism in English newspapers and in the British Parliament, the government instituted a commission to investigate cases of torture in the Madras Presidency.\textsuperscript{8} The findings of the Commission, published as a report, more than amply validated the allegations that had been made. Torture was systematically practiced in Madras Presidency, with the connivance of European officials. The Commission concluded that police torture occurred less frequently than did torture for

\textsuperscript{4} Guha, \textit{Dominance without hegemony: history and power in colonial India.}
\textsuperscript{5} Malcolm Lewin, "Is the Practice of Torture in Madras with the Sanction of the Authorities of Leadenhall Street?," (Westminster 1856). p. 4
\textsuperscript{6} \textit{Report of the Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency}, (Madras, 1855).
\textsuperscript{7} Lewin, "Is the Practice of Torture in Madras with the Sanction of the Authorities of Leadenhall Street?"
revenue extraction, but that it prevailed “in a much more aggravated degree… the modes resorted to in the former appear to be more acute and cruel.”

In a partial defense of the Company, the Commission asserted that torture was a native practice, “knowing as [they did], the historical fact, that under the Governments immediately preceding our own, torture was a recognised method of obtaining both revenue and confessions.” The Company’s onus, consequently, was simply to show how successful they had been in eliminating this practice – the notion that barbaric violence would inevitably decline under enlightened British rule suffused the report. The Company and the Commission shifted the blame for practicing torture to native subordinates, whom, it was alleged, did so despite the fact that their European superiors did not countenance it. The principal grievance raised by the Commission was, in fact, the extraordinary lack of judicial redress that followed complaints of torture.

Critics of the Company, however, asserted that the prevalence of torture was neither an aberration nor an unfortunate residue of past governance, but could be attributed directly to its rule. Malcolm Lewin, erstwhile judge at the Madras Foujdari Adalut, and the Earl of Abermarle, of the House of Lords, were two of these.

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10 Ibid. p. 14
11 Ibid. p. 70. “We are very far from seeking to cast any unfounded imputation upon either the Government or its European officers. We think that the service is entitled to the fullest credit for its disclaimer of all countenance of the cruel practices which prevail in the Revenue as well as in the Police department. We see no reason to doubt that the Native officials from the highest to the lowest are well aware of the disposition of their European superiors…”
12 The Foujdari Adalut was the Supreme Court of Madras. Lewin, "Is the Practice of Torture in Madras with the Sanction of the Authorities of Leadenhall Street?." Earl of Albemarle
claimed that torture “if not positively encouraged by the authorities in Leadenhall Street, [had] been culpably connived by them.”\footnote{Lewin, "Is the Practice of Torture in Madras with the Sanction of the Authorities of Leadenhall Street?." p. 4. Leadenhall Street was where the office of the East India Company was located. Radhika Singha also point to the new standards of evidence under Company rule that policemen found hard to meet, leading to the increased use of confessions. Singha, \textit{A despotism of law: crime and justice in early colonial India}.} The principal critique they raised was that land was over-assessed under Company rule: “when rent could only be obtained by means of torture, it might safely be assumed that the land was rented too high.”\footnote{William Coutts Keppel, "Speech of the Earl of Albemarle on torture in the Madras Presidency, delivered in the House of Lords, 14th April 1856," (London1856).} They also argued that native policemen were paid very low wages but pressured to apprehend offenders. This made their task difficult and they resorted to the use of force to make convictions.\footnote{Lewin, "Is the Practice of Torture in Madras with the Sanction of the Authorities of Leadenhall Street?."}

Another factor aggravating the practice of torture was that the office of revenue collector and policeman had been fused in the same person in Madras Presidency since 1816, soon after Thomas Munro became Governor. Munro, known for espousing a paternalist model of governance, had expressly departed from Governor-General’s Lord Cornwallis’ policy of separation of executive and judicial powers. Over the ensuing four decades, complaints abounded on the abuse of the power on the part of native functionaries. The Torture Commission reiterated this point to explain the prevalence of torture, claiming that the concentration of power had “necessarily… destroyed that check which would have resulted had these powers been

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\textit{William Coutts Keppel, "Speech of the Earl of Albemarle on torture in the Madras Presidency, delivered in the House of Lords, 14th April 1856," (London1856).}
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committed to two distinct bodies."

The Madras Government eventually responded to the sustained criticism in 1856 with a reversal in policy, and fully separated the police and revenue administrations.

Although the Company could shift part of the blame for the widespread prevalence of torture onto the shoulders of its native subordinates, the charge of over-assessment of rent lay squarely at its door, as did the policy of combining revenue and police offices. To that extent, torture in the first half of the nineteenth century was associated with the state. From the 1860s onwards, both these factors became less relevant: revenue functions were separated from police ones in 1856, and the British Crown took over the administration of India in 1858, bringing with it changes that facilitated the decoupling of torture from the state. Over the next half century, complaints of the over-taxed agriculturist, the poverty of the peasant, the scourge of famine, the drain of wealth, and the rapacity of the private creditor were staples in the nationalist critique of colonial rule. Yet, torture was not part of this critique; it had been disassociated from tax collection. Instead, it now became solely the problem of the native policeman and his methods of investigation, not that of the colonial state or its law.

**Police Interrogation**

A detailed manual published by the Government of Madras in 1885 on its administrative machinery describes step-by-step the investigatory procedure followed...

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by the police as of this time. Upon receiving intimation of a crime, the policeman first sent a report of this preliminary information to the nearest magistrate and registered the case in the station records. Second, he commenced his investigation, in the course of which he could arrest a suspect, “on sufficient grounds” without procuring a magisterial warrant. Third, he questioned the suspect in the station-house. Government officers and judges encouraged the policeman not to procure a confession of guilt from the suspect; if he did, such a confession would not be accepted by the courts as evidence. The policeman could, however, interrogate the suspect towards gleaning any other information about the case from him. (For instance, in cases of theft, the policeman could extract from the suspect information on where the stolen property had been secreted.) The policeman was allowed up to 24 hours to interrogate the suspect and determine whether he could be charged with the offence. Finally, if he did find enough evidence to charge the suspect, the policeman sent him to the magisterial office for remand; if not, he released the suspect.

Several elements of this procedure, including the 24-hour limit on custody and the proscription of police confessions, were uniquely colonial and differed from contemporary English criminal procedure. In his study of law and policing in England and Australia, David Dixon directs our attention to the lacuna in English common law

17 Madras (India : Presidency) and Maclean, Manual of the administration of the Madras presidency. V.1 pp. 192-3. Policing procedures were also clarified in the Criminal Procedure Code, 1898, and in several circular orders from the government to the police department, including G.O. 1600, Judicial, 31st July 1888, TNA and 11/judicial/ 1913, 22/4/1913, DRCM.
18 This procedure was followed in cases of offences classified in the penal code as “cognizable.”
19 Madras (Presidency) Faujdarī ‘Adalat and Alexander John Arbuthnot, Select reports of criminal cases, determined in the Court of Foujdaree udalut of Madras (Madras,: Printed by R. Twigg, 1851). pp. xxvii.
regarding the time between ‘arrest’ and ‘charge’ i.e. the period of police custodial interrogation. Dixon contends that the investigating role of the English police increased in the mid-nineteenth century from earlier, when its duty had merely been to apprehend a suspect and take him to the magistrate. Legal regulation however did not keep up with this shift, resulting in considerable ambiguity in the rules of police interrogation well into the twentieth century. In particular, judges’ opinions differed from case to case on (a) whether the police were allowed to detain a suspect at the station-house for questioning, (b) what the time limit was for such custody, and (c) whether a police confession was acceptable as evidence. In Australia, in contrast, there was a widespread debate on “police verbals” i.e. the fabrication of police confessions in custody, resulting in clearly defined rules limiting custodial interrogation.

In colonial India, likewise, police investigative powers were clearly spelt out, and stemmed from colonial assumptions about native society. Here, the police were allowed to interrogate suspects in the station-house. As the Inspector-General of Police asserted in 1885, this was necessitated by “the utter want of any public spirit which, as in England, induces private individuals to assist in furthering the ends of justice.” Half a century later, P.N.Ramaswami, a magistrate who published a guide for policemen, echoed a similar sentiment, suggesting that native policemen concocted evidence in the absence of cooperation from witnesses to crime. “The police in this

21 Ibid. Chap 5
22 For a discussion of how colonial fears of native duplicity informed judicial procedure, see Raman, *Document Raj : writing and scribes in early colonial south India*.
23 G.O. 1600, Judicial, 31st July 1888, TNA.
country have to face indifference and unwillingness from the majority of the people,” he argued, causing them to adopt “the weapons of perjury and torture.”

Rules of custody in Madras Presidency were informed not just by colonial assumptions about an apathetic society but also by concerns about the native constable’s supposed proclivity to extort confessions. For instance, the Chief Secretary of Madras wrote in 1854 that

In the exercise of their functions, the native talook and village officers of police are known to have been in the habit of resorting to cruelties, for extorting confessions from prisoners. Strenuous endeavours have been used from very early times of the British rule to put down a system so utterly opposed to every principle of humanity and subversive to the ends of justice… So deep-rooted, however, has the evil been found, and so powerful the force of habit arising from the unrestrained license exercised in such acts of cruelty and oppression under the former Rules of the country, that it has not been practicable, notwithstanding the rigorous measures adopted, wholly to eradicate it, from the almost innate propensity of the generality of Native Officers in power to resort to such practices on the one hand, and the passive submission of the people on the other; and accordingly the abuse still prevails in the Police Department, though undoubtedly not to the same extent as formerly.

Contrary to continental European practice, the English judicial system had, almost always, debarred the use of torture to extract confessions. The British government stuck to the same principle in India too, where its rule was importantly justified by the claim that it was the bearer of modern law. Accordingly, although police custodial interrogation of suspects was allowed, government placed constraints

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24 Ramaswami, *Magisterial and police guide*. pp. 130
on it to preclude use of force. First, the duration of custody was strictly limited to 24 hours, and second, confessions made to the police were disallowed as evidence in court. Both these rules differed from current English practice: A.J. Arbuthnot of the Madras Foujdari Adalut argued that “the character of the people” made impracticable “a strict adherence to the rules of evidence according to English Law… For instance it is notorious that confessions are often obtained in this country from prisoners in charge of the Police by means of actual ill-treatment or threats of it.”

Colonial perception of native society thus informed the rules of police custody in Madras Presidency. It also shaped the understanding among urban, educated sections of society of why torture occurred. For more than a hundred years, government reports, guidebooks to policemen, and newspapers conformed to a ‘catching-up’ narrative of liberal progress and framed torture as an error that occurred when constables, untrained in or averse to conducting investigations, persisted in extorting confessions from criminal suspects. John Mayne, a barrister who published a pamphlet titled *Hints on Confessions and Approvers for the Use of the Police* in 1906 asserted that the police desired “to take a shortcut to the discovery of crime by extorting confessions. For this purpose it is too common to use every species of violence.” Newspapers followed the same line of criticism. The *Vettikodiyon* of 16

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27 This didn’t always happen in practice, as is evident from some of the cases discussed in this chapter, and from intermittent government complaints on the subject.

28 Madras (Presidency) Faujdāri 'Adalāt and Arbuthnot, *Select reports of criminal cases, determined in the Court of Foujdaree udalut of Madras*. pp. xxvii


30 John D. Mayne, *Hints on confessions and approvers, for the use of the police* (Madras: Printed for J. Higginbotham, 1861).
July 1892 reported the case of a woman who had died after being beaten by constables in their attempt to extort a confession from her. The Swadesa Mitran in October 1892 and in January 1903 complained that the police tended to extort confessions from innocent people by use of torture. The South Indian Mitran, a Tamil daily, complained in a January 1900 issue that police officers extorted confessions from innocent people by use of torture.

Over the course of the decades, explanations other than the constable’s recalcitrance were also offered for his persistent practice of torture. Notably, officials claimed that policemen succumbed to extorting confessions because they needed to show good results in investigations in order to get promoted within the ranks. In 1902, national- and presidency-level committees instituted to inquire into police administration in Madras Presidency concluded that police oppression was “a fact which is spoken of by practically every witness.” They observed that the police victimised people to extort confessions and foisted cases on innocent people. The reason for such behaviour, according to the committees, was not just “want of detective ability or… indolence” on the part of the police, but also their desire to show a laudable percentage of cases detected.

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31 Native Newspaper Reports, 1892, TNA.
32 Native Newspaper Reports, 1892, TNA. British Library. and Adam Matthew Publications., Indian newspaper reports, c1868-1942, from the British Library, London.
33 Native Newspaper Reports, 1900, TNA.
The Madras government took various steps to eliminate torture, all of which stemmed from its identification of the source of the problem in the native constable’s tendency to extort confessions. First, it undermined the value of the confession as judicial evidence. The Foujdari Adalut, which was the highest court of the Madras Presidency, passed a circular order in 1806 prohibiting the police from using force to extort confessions. Simultaneously, it cautioned courts from accepting confessions made to policemen as evidence. An 1835 order strengthened the injunction, by explicitly ruling that confessions made before a native police officer, unless corroborated by other evidence, could not be used for convictions. The very frequency with which these orders were circulated (in 1817, 1820, 1822, 1823, 1824, 1835, 1836 and 1852) suggests that they didn’t have much impact on the occurrence of torture.\(^{36}\)

Even if it could not directly control police practice, the Foujdari Adalut could, and did, regulate the activities of subordinate courts in accepting confessions as evidence. For instance, in a case of murder brought before the Madura court in 1853, the principal evidence against the accused was his confession of guilt made to a policeman. The judge declared his belief in the validity of the confession, dismissing the allegation of “torture under which the prisoner confessed [as] none other than that mental agony which experience teaches us so often compels the man who has but recently dipped his hand in blood, to confess his deed”.\(^{37}\) Nevertheless, in the absence of corroborating evidence, he abided by the order of the Foujdari Adalut and acquitted


\(^{37}\) Report of cases determined in the court of the Foujdaree Udalut pp. 152-55
the prisoner. Likewise, the Foujdari Adalut dismissed a conviction of robbery in Tirunelveli that came up to it on appeal, stating that the village policeman must have forced the accused to confess “under the pressure of the responsibility laid upon him”.  

These examples point to judicial intolerance of confessions as evidence in Madras, and differ from Anupama Rao’s discussion of judicial procedure in Bombay Presidency, where, she suggests, magistrates unfamiliar with local culture and possessing “a poor command over native languages… found themselves relying on confessions taken by the police rather than conducting their own inquiries.”

In addition to the orders of the Foujdari Adalut, the Indian Evidence Act, 1872 also discounted the value of the police confession. The Act ordained that a confession by an accused person be irrelevant in a criminal proceeding, “if the making of the confession appears to the court to have been caused by any inducement, threat or promise.” Further, it specifically disallowed any confession made while in custody of a police officer from being proved against that person, unless it be made in the presence of a magistrate.

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38 Ibid. pp. 443-45.
40 The Indian Evidence Act. Section 24.
41 However, the Act allowed any information given by the accused while in police custody, so long as it was not a confession of guilt, to be used in the criminal investigation. This escape clause kept alive the issue of confessions and torture: inquiries into allegations of torture often showed the police as having tortured the accused to extract information that would enable the investigation. Whether the police tortured to extract a confession or information, the explanation was still framed as that of the errant policeman who used torture as a short cut to his investigative work.
In a different approach to discouraging policemen from extorting confessions, the government stopped evaluating police performance based on the number of cases they had successfully detected. In 1888, it urged the police to “abstain from commending, or granting promotion for, detections based on the procurement of confessions.”

The Fraser Commission in 1902 advocated the removal of misplaced incentives to detect cases and “unhesitatingly condemn(ed) the application of the statistical test.” Following this, the government ordered the police to stop altogether rewarding their men based on detection statistics.

 Neither the prohibition of police confessions as evidence nor the elimination of the statistical test to reward policemen put an end to torture. The government then targeted its efforts on the magisterial confession since it feared that the policeman could intimidate the prisoner into confessing in front of the magistrate. Magisterial confessions, in contrast to police confessions, could be used as evidence. After the 24 hours of police custody, prisoners had to be taken to the magistrate who put them to remand in what were called subsidiary jails. The magisterial sub-jail, in contrast to the police lock-up, was usually located alongside the busiest government offices of the area, including those of the magistrate and the registrar. 

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42 G.O.1600 Judicial 1888, TNA.
44 G.O. 523 (ms), Judicial, 29 March 1912, TNA.
45 *Code of Criminal Procedure*. Section 164.
46 G.O. 1582 ms, Judicial, 11 October 1911, TNA.
officials believed that this would deter torture, critics argued that the sub-jail too was accessible to the police and therefore not a sufficient protection against torture.\textsuperscript{47}

In a series of attempts undertaken in the early twentieth century towards curtailing the use of magisterial confessions, village magistrates were first prohibited from taking written confessions.\textsuperscript{48} In addition, the Fraser Commission objected to the provisions of the Criminal Procedure Code which allowed any state magistrate to record confessions. “Third class magistrates too often show themselves unfit to judge either as to the circumstances under which a confession should be taken or those which justify its rejection,” it argued, and suggested that “confessions should be recorded only by the magistrate having jurisdiction in the case.”\textsuperscript{49} Before recording a confession, a magistrate had to put certain questions to the accused, “When did the police first question you? How often were you questioned by the police?” and so forth.\textsuperscript{50} If, following these questions, the magistrate had any doubts regarding the voluntary nature of the confession, he could remand the accused to a sub-jail for a further period of time before recording the confession. As with earlier reforms, placing restrictions on magisterial confessions did not put an end to the concerns around

\textsuperscript{47} G.O. 1582 ms, Judicial, 11 October 1911, TNA. For instance, H. Moberly, a retired judge, argued that the government orders did not prohibit the police from interrogating the prisoner in the sub-jail. G.O. 2353 ms, Judicial, 27 September 1915, TNA.
\textsuperscript{48} G.O. 601, Judicial, 28 March 1913, in 11/judicial/ 1913, 22/4/1913, DRCM.
\textsuperscript{49} Fraser, \textit{Report of the Indian Police Commission and resolution of the Government of India}. p. 163
\textsuperscript{50} G.O. 601, Judicial, 28 March 1913, in 11/judicial/ 1913, 22/4/1913, DRCM.
torture, and there was a running debate on which magistrates were qualified to record confessions and how such confessions should be recorded.\textsuperscript{51}

**Custody – a space of violence**

Governmental attempts to end police torture from the mid-nineteenth century, and especially in the first two decades of the twentieth century, thus fit into a narrative of failed reforms targeting the native constable’s use of the confession.\textsuperscript{52} While constables did often disregard the rules of custody, governmental and journalistic preoccupation with the constable’s behaviour reduced torture to a transient problem of flawed legal procedure, which could be overcome through sufficient training of the police force and regulatory tinkering. However, the very ineffectiveness of the reforms suggests that there were more fundamental factors that enabled custodial violence. This section discusses how custodial violence was, in fact, intertwined with judicial process in ways that could not be undone by simply admonishing the constable, however frequently.

\textsuperscript{51} For instance in a discussion on the subject of police torture in magisterial confessions that took place in 1912, Justice Sankaran Nair of the Madras High Court raised the issue of salaries earned by magistrates and the police. A police inspector’s pay ranged from Rs.150 – Rs. 250 and that of a sub-inspector from Rs.50 - Rs.100. A magistrate’s pay was around Rs.50 – Rs.100 “Pay determines the social grade and influence,” the judge argued, “and even a permanent magistrate’s presence is not a guarantee of the voluntary nature of the confession.” The temporary submagistrates, he said, “were decidedly inferior in status and position to the police officers who have to deal with them. They generally hesitate to act against police wishes.” Justice Abdur Rahim of the Madras High Court complained that magistrates were “too prone to grant the application of the police officer (to send the accused back to their custody) and are seldom alive to the requirements of the law on the subject… I would not authorise any but first class magistrates to make orders for remand to police custody in any case.” G.O. 1221-22 Press (NP), Judicial, 31 July 1912, TNA.

\textsuperscript{52} The spurt of measures against torture taken in this period may have been a response to the publication of the findings of the Fraser Commission Report of 1902.
Admittedly, actual cases of torture from the archive point to blatant departures in police conduct from the rules of custodial interrogation which government officials reiterated so unremittingly. Consider, for instance, the “Koilpatti Torture case” of 1923, involving the death of one Mariappa Samban. The case began when the Ramanathapuram police received report of the death of a Nadar woman. They found no direct evidence for the murder, but suspected a Vellasami Kone of the village. They also suspected that Vellasami Kone’s servant, Mariappa Samban (a Christian Dalit), may have played a secondary part in the murder. During the initial investigation into the murder, conducted in the village, Mariappa Samban was away attending a wedding. The police sub-inspector Sundaram Iyer and constable Subramania Ayyar, who wanted to turn Mariappa Samban into an approver in the case, told two of his relatives that “they would be put to a lot of trouble if they did not secure the presence of Mariappan.” Accordingly, the two, “in order to avoid the troubles of the police, brought Mariappan on Sunday morning (22-7-23) and handed him over to the police

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53 Government records alternatively used the term “ill-treatment” and “torture” to refer to custodial violence. Talal Asad alerts us to the modern construction of a “quantitative comparison of very different kinds of suffering” that comes into play in discussions of pain and torture, whereby some countries permit use of ‘moderate’ physical and psychological pressure for reasons of state security. Bearing this warning in mind, I bracket all cases of custodial violence, irrespective of whether the form of violence was banal or horrific, as torture. Talal Asad, “On Torture, or Cruel, Inhuman, and Degrading Treatment,” Social Research 63, no. 4 (1996).

54 G.O. 159 mis, Judicial (Police), 21 March 1924, TNA.

55 Konars and Nadars were low castes in the local hierarchy, but stood higher than Dalits.

56 An import from British law, an approver was one of the accused who turned (or was made) State’s Witness in the hopes of a pardon.

57 “Mariappan” is a diminutive of “Mariappa Samban” - its use could indicate familiarity or lack of respect. Much like the upper-caste inspector in this story, I was using the diminutive until I realised that I never did the same for the constable Subramania Ayyar (to make it Subramanian) or the shopkeeper Sivamuruga Nadar (to make it Sivamurugan).
The constable took Mariappan from the village to Koilpatti town, where he stayed for the next five days, either free to move but kept under police surveillance (according to the police) or in actual police custody (according to the magistrate investigating the ensuing torture case). At the end of this period, Mariappa Samban, according to the police, finally agreed to turn approver and provide information regarding the murder – specifically, to show them where jewels stolen from the murdered woman had been kept. The sub-inspector writes,

Mariappan was accordingly taken from Koilpatti by 8:45 p.m. train to Nellai and thence 4 miles by cart track to his village by midnight. For safe custody his hands were tied with his own cloth by the escort constables... As it was late in the night and as properties could be recovered only in the morning, he was locked in for the night inside the shop of one Sivamuruga Nadar, which was the only place then available, his hands being set free before he was locked in.

The next morning, Mariappa Samban was found hanging in the room (which measured 7 ft. * 8 ft. * 5 ¾ ft. and had no vents). In this case, the concerned policemen obviously violated several rules of custody. They arrested a man without sufficient grounds for arrest. They held him in their custody for over five days without sending him to magisterial remand, as opposed to the prescribed 24 hours. They held him in custody in a tiny, possibly suffocating room, rather than in the station-house. This was possibly not an exceptional case, at least in the early decades of the twentieth century. When a case of theft was reported at the Maniyachi station in Tirunelveli in

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58 Submagistrate’s Report, G.O. 278 ms, Judicial (Police), 27 May 1924, TNA.
59 There were no witnesses for this period.
60 Sundaram Ayyar’s petition in G.O. 159 mis, Judicial (Police), 21 March 1924, TNA.
61 A witness for the defence claimed that the inspector had asked around if there was a better place to keep him in custody that night, but had been assured that the shop was the best location.
October 1917, the sub-inspector, Subramania Aiyar, and a few constables proceeded to the village, and took up residence in the house of a local. They sent for three women – the wife, sister, and concubine of the suspected thief - and attempted to extort a confession from them. The women were kept in the house for a couple of days before being released. Yet, there are no cases like this after the 1930s, suggesting that those arrested were kept in custody mainly in the station-house.

Government correspondence and newspaper reports drew attention to instances of police misconduct such as those mentioned above, and consequently the colonial government's attempts to end torture, as detailed in the earlier section, focused on the native constable and his investigatory practices, making them perpetual objects of colonial pedagogy. This narrative of the untrained constable distanced the constable from the state, and also drew a sharp line between police torture of subalterns (which was deemed unlawful) and the lawfully sanctioned violence exercised by the police through the criminalization of subaltern politics (such as firing on protests). Further, it concealed the extent to which the constable’s exercise of power was entwined with the judicial system on account of the inherent inequality of the space of police interrogation, and because cases of torture were difficult to prove in court.

Even when the police adhered to the rules limiting custody to 24 hours in the station-house, interrogation was at times simply a pretext for asserting power, and the

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62 G.O. 1191 mis, Home Judicial, 27 May 1919, TNA. For another example where the police kept the suspect in custody in someone’s house, see G.O. 602 ms, Judicial, 28 March 1913, TNA.

63 In fact when I visited a few station-houses in 2013, suspects were not even kept within the lockup, for fear of allegations of custodial violence. Rather they sat squatting on the floor of an open room which was accessible as soon as one entered the station.
space of custody served rather as a space for intimidation – usually, of marginalised sections of the population.\textsuperscript{64} In her study of torture and pain, Elaine Scarry observes that the seeking of information, which “masquerades as the motive for torture is a fiction.” The three women tortured in custody in the case mentioned earlier (1917) were not the suspected thief but his wife, sister, and concubine. Why the women related to the suspect were tortured, and not the suspect himself, is not raised either in the court judgment or in the government correspondence related to the incident.\textsuperscript{65} There is evidence that some victims of violence had political leanings, suggesting that custodial violence was just another form of police intimidation, much like coercion on the beat. For instance, Mariappa Samban (1923), a Dalit, was attending an Adi-Dravida conference (i.e. a political gathering to combat caste oppression) when he was harassed by the police.

Custodial violence in colonial Madras occurred more often than not for minor crimes that didn’t demand urgent, complex, or, as a matter of fact, any investigation. In an egregious example from 1929, the victims appear to have been tortured for no reason other than that they were Indian subjects in a colonial state. On a dark night in July, a European named Green stopped at a toll gate in Ramanathapuram district.\textsuperscript{66}

\textsuperscript{64} “Although the information sought in an interrogation is almost never credited with being a just motive for torture, it is repeatedly credited with being the motive for torture.” Elaine Scarry, \textit{The body in pain: the making and unmaking of the world} (New York: Oxford University Press, 1985). pp. 28.

\textsuperscript{65} Radhika Singha mentions that “one of the most common, though prohibited, police devices for securing a man’s arrest or his confession if he belonged to the ‘lower orders,’ was the coercion with threats of sexual molestation of his female relatives.” Singha, \textit{A despotism of law: crime and justice in early colonial India}. pp. 124.

\textsuperscript{66} G.O. 300 ms, Public Police, 28 May 1930, TNA. The record doesn’t clarify whether Green was an official or not.
The tollgate operators, Abdul Muthaliff and Parimalam Servai, who were sleepy when Green sounded his horn, took some time to open the gates. According to Muthaliff and Servai, Green got irritated by the delay and kicked Servai, who raised an alarm. Green drove away, only to return in a few minutes accompanied by the head constable of the local police station. The constable took Muthaliff and Servai to the police lock-up. The next morning the Sub-Inspector Nagabhushana Naidu rebuked them for having beaten the “durai” — a Tamil term used to refer to a European coloniser that has both servile and derogatory connotations. The policeman proceeded to torture them and four of their associates who had also been brought to the station by then.67

The violent performance of state power under the pretext of custodial interrogation in petty cases continued after independence too. For instance, in 1969 Veerabhadran, a cart-puller from Madurai was accused of having made off with a few sacks of rice that he was supposed to deliver to a customer. According to a local newspaper, he was tortured and interrogated, even after the plaintiff, hearing of this, withdrew his complaint.68 The 1950s also witnessed the use of custodial violence in minor instances of moral policing in the newly independent Madras state.69 Solai Asari, brother of a prostitute of considerable means and suspected of involvement in distilling illicit liquor, was taken to the station on a clumsy pretext, beaten up, and sent

67 In the version of the story put forth by the sub-inspector, the police constable had arrested Muthaliff et al on a complaint from Green that they had assaulted him at the toll gate, a claim that seems far-fetched given the dynamics of racial hierarchies under colonial rule.
68 Theekadir, 26 June 1969.
69 Prohibition of alcohol was in force in Madras from 1937 till c.1970. The Madras Suppression of Immoral Traffic Act, which penalized prostitution in urban areas, was passed in 1930.
back the next day. He died of injuries a few days later.\textsuperscript{70} Mani, a 14-year old boy, found gambling with cards with his friends (for a total amount of about 12 annas) at the Melur bus stop, was taken by a constable to the police station, and punished and kicked a few times on an existing injury. The boy died a few days later.\textsuperscript{71} In September 1971, the police apprehended a 40-year old man for creating a drunken racket in the Tirumangalam market and took him to the station for custody. A local newspaper reported that he was beaten and tortured by the police and died the next morning.\textsuperscript{72}

The rules of criminal investigation required the police to carve out a space of interrogation, but this space marked an imbalance of power between the state and its judicial apparatus on the one hand, and the criminal suspect on the other. These were closed spaces scattered across the countryside, associated with the state and its law, but where custodial violence sometimes did, and always could, occur. For this reason, in India and elsewhere, custodial interrogation in general and the confession in particular occupy an uncertain place within judicial procedure, whether or not accompanied by physical violence.\textsuperscript{73}

\textsuperscript{70} G.O. 388 Public 1956, TNA.
\textsuperscript{71} G.O. 917 Public 19 March 1958, TNA. 16 annas made a rupee.
\textsuperscript{72} Theekadir, 13 September 1971.
\textsuperscript{73} For charges of brutality during police interrogation in Britain and the US, see Marlow and Loveday, \textit{After MacPherson : policing after the Stephen Lawrence inquiry}. Dean J. Champion, \textit{Police misconduct in America : a reference handbook}, ABC-CLIO contemporary world issues series (Santa Barbara, Calif.: ABC-CLIO, 2001). p. 11. For the problematic nature of police confessions, see G. Daniel Lassiter, Christian A. Meissner, and American Psychological Association., \textit{Police interrogations and false confessions : current research, practice, and policy recommendations}, APA decade of behavior volumes (Washington, DC: American Psychological Association, 2010). Dixon, \textit{Law in policing : legal regulation and police practices}. In India, see Shahid Amin’s deconstruction of the approver’s testimony in

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Theoretically, this space could be controlled through supervision by senior officials, though in practice, this was difficult, especially in rural India. In 1911 the Government of India initiated a nation-wide inquiry into the condition of prisoners in police lock-ups and measures taken to protect them from police ill-treatment. It declared itself satisfied with the results of the enquiry, but recognized the “importance of as frequent inspection as circumstances will permit into the treatment of under-trial prisoners in police lockups.” The Madras Government’s response to the inquiry encapsulated governmental understanding of the problem of custodial violence as discussed this far: it reiterated the limits placed on the constable’s power and advocated training him better. In addition, it pointed out that punitive judicial action against errant constables was a powerful deterrent against custodial violence.

No special rules have been framed in this Presidency for the frequent inspection of police lockups by superior officers. They are inspected whenever the police station is inspected, and in the opinion of the Governor-in-Council that is sufficient… in practice, the only time when a prisoner is likely to be ill-treated is during the interval between his arrest and his being taken before a magistrate. Such cases, on discovery, are visited with drastic punishment and the prevention of such

Shahid Amin, *Event, metaphor, memory: Chauri Chaura 1922-1992*, Oxford India paperbacks (Delhi ; New York: Oxford University Press, 1996). Anupama Rao examines a case of police torture in Bombay Presidency that took place in 1854 to expose the violence of colonial law and problematize its attempts to establish truth through confessions. She asserts that the truth of a confession extorted by the police was questionable, “because it was too closely tied to an experience of the body – pain – that was seen as incapable of producing an uncompromised statement. Rao, “Problems of Violence, States of Terror: Torture in Colonial India.”

74 Or, as in the present day in some countries, through use of technological monitoring.
75 IOR: L/P&J/6/1186, File 3218, British Library.
76 “As regards police lockups I am to state that prisoners are usually detained in them only until they are produced before a magistrate, and they are then remanded to the subsidiary jail which is under the control of the magistrate and not of the police.”
offences must be left to deterrent action of this nature and to the improvement of the class of investigating officers and the discouragement of working for confession.  

The notion that judicial action was the best measure against torture was not new. In 1888, the Inspector-General of Police had declared that police torture hardly occurred in Madras, but when it did “they are nearly always brought to light and the delinquents severely punished; no person being harder on the policeman than his own district officers. The punishment also for such offence is so heavy that it is sufficiently deterrent.”  

The reality, however, was that policemen were rarely convicted for torture. This brings me to the second way in which judicial procedure was tied to custodial violence. By privileging medical evidence over what was seen as unreliable witness testimony, courts did not recognize or, by extension, punish custodial violence.  

**The body as evidence**  

Judicial redress for custodial violence presented difficulties because the act of torture did not leave evidence that met the requirements of due process. Technically, the only witnesses to torture were the torturer, the victim, and his body. While the

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77 Reply from Madras dt. 11 October 1911, in IOR: L/P&J/6/1186, File 3218, British Library.  
78 The punishment was 7 years of rigorous imprisonment under section 330 of the Indian Penal Code. G.O. 1600, Judicial, 31 July 1888, TNA.  
79 The *Police Administration Report* of 1887 gives figures for convictions in cases of torture across Madras Presidency for the preceding 5 years: 5 in 1883, 2 in 1884, none in 1885, 11 in 1886 and 5 in 1887. G.O. 1958, Judicial, 14 September 1888, TNA. From 1905–10, cases were instituted against 51 policemen, of which 17 were convicted. G.O. 523 ms, Judicial, 29 March 1912, TNA. In the dozen-or-so cases that I study from southern Madras, only one resulted in police conviction.  
80 Even in cases where the torture was not fully secret, the testimony of other witnesses was dismissed by courts.
native constable was not trusted as a credible witness, courts paid even less regard to
the voice of his victims, who were inevitably subaltern. Only the evidence offered by
the body was considered impartial in the judicial court. In British India as well as after
independence, courts routinely dismissed the testimony of victims, their friends, and
family, in favour of medical evidence.\textsuperscript{81} Yet, ironically, the body almost consistently
failed to provide judicial proof of the violence it had endured.\textsuperscript{82}

Medical evidence failed to corroborate allegations of torture in all but one of
the dozen cases that I came across in the archives. Medical records of torture victims
uniformly either pronounced a case of “simple injuries” (where the victim survived the
torture) or “death by asphyxiation” (where he or she did not).\textsuperscript{83} For instance, in the
case of a woman reported to have died after being beaten by constables in their
attempt to extort a confession from her (1892), the medical officer gave a verdict of
natural death.\textsuperscript{84} Following the deaths of Mariappa Samban (1924) and Andi
Kudumban (1960) in custody, the respective doctors declared that the injuries
observed were “not of the kind that result from torture,” and that the suspects must
have hanged themselves.\textsuperscript{85} The doctor examining Nallamma Naick (1901) described

\textsuperscript{81} For a discussion of medical jurisprudence and its privileged role in rape cases, see Elizabeth
Kolsky, "The Body Evidencing the Crime: Rape on Trial in Colonial India, 1860-1947,"
\textit{Gender and History} 22, no. 1 (2010).
\textsuperscript{82} Anupama Rao contrasts the new use of “the body as the primary source of knowledge about
police demeanour” with “the problematic speech of the tortured victim who refused to reveal
his experiences due to the fear of further violence.” Rao’s discussion is of torture under
Company rule; in the cases I study, the victim does speak, but his speech is not heard. Rao,
"Problems of Violence, States of Terror: Torture in Colonial India." pp. 4128
\textsuperscript{83} G.O. 1246 ms, Judicial, 14 Aug 1901, G.O. 602 ms, Judicial, 28 March 1913, G.O. 278 ms,
Judicial (Police), 27 May 1924, G.O. 1191 ms, Home (Judicial), 27 May 1919, GO 917 ms,
Public, 19 March 1958, GO 1519 ms, Public, Sep 24 1960, TNA.
\textsuperscript{84} \textit{Vettikodiyon}, 16 July 1892, \textit{Native Newspaper Reports}, TNA.
\textsuperscript{85} G.O. 278 ms, Judicial (Police), G.O. 1519 ms, Public, Sep 24 1960, TNA.
his wound as “4 inches long, 1 inch broad and bone deep. The bone was cut for ½ inch in length and 1/8 inch in depth,” but declared that the wound may have been either self-inflicted or “caused by the man’s leg knocking whilst he was running against a palmyra stalk.”

The alleged “severe beating” of Karuppana Thevan by the constables of Mudukulathur was “not borne out by the medical evidence” (1912). It is not coincidental that in the only case where the charge of torture was proved, the complainant was “a respectable resident of the village,” who owned 5 acres of land and, therefore (it was assumed), had no reason to lie to the police. Victims of torture inevitably belonged to marginal sections of the population. In the recorded cases of torture between 1900 and 1970 from Madras Presidency that I found, the victims were all brown, many belonged to Dalit or other lower castes, some were members of the political opposition, many were poor, some were female, and one was a child. Judges routinely dismissed the testimony of victims and their kin on grounds of their inferior social position. For instance, the magisterial officer enquiring into a case of death after custodial violence reported that “before discussing about the merits of the evidence, it [was] necessary to deal with the character of the petitioner and her witnesses so that the value of their evidence may be correctly assessed.”

The officer inquiring into the death of 14-year old Mani said of the victim’s mother’s testimony: “This woman’s evidence did not impress me. She appeared to be intent on blaming the Police and even alleged that her boy told her that the Sub-Inspector had

86 G.O. 1246 ms Judicial, 14 August 1901, TNA.
87 G.O. 602, Judicial, 28 March 1913, TNA.
88 G.O. 85 ms, Home, 17 January 1970, TNA.
89 RDO Report in G.O. 388 ms, Public, 2 February 1956, TNA.
kicked him because he (the boy) did not get arrack for the Sub-Inspector. Neither she nor the other boys who had been arrested had mentioned any such thing previously. I think it is her own invention.”

In addition to the low social standing of some victims, judges also drew upon a broader notion that perjury was common in Indian society: in particular, they fell upon the trope of “the Indian faction” to discount witness testimonies. “With such factious spirit existing between the accused 3 to 6 on one side and Vadakku Veetu Nagamani, PW13, PW9 and others on the other, the evidence of the prosecution witness has to be examined with the greatest caution,” said the judge in one case of police ill-treatment. In another, where the police tortured the victims on the verandah of the station-house, the judge dismissed the evidence of “the eyewitnesses PWs 2, 5 and 6 [since they were] relations of the accused’s enemy Piranmalai Rowther and are puppets in his hands.”

While victim and witness testimonies focused on details and tropes of violence (the kicks of the inspector, the shrieks of the victims, the unbearable pain, and so on), medical reports focused on the specifics of the injuries (e.g. “an oblique incised wound in front of lower third of the left leg about 4 inches long”). Courts often latched on to differences in detail between medical and witness testimonies to dismiss the latter. For instance, in the torture case of the toll-gate operators (1929), the victims’ narrative

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90 Revenue Divisional Officer’s Report in G.O. 917, Public, 19 March 1958, TNA.
91 G.O. 1191 mis, Home (Judicial), 27 May 1919; G.O. 602, Judicial, 28 March 1913, TNA.
92 G.O. 300 ms, Public Police, 28 May 1930, TNA.
focuses on the pain and humiliation that they experienced. After beating them with a whip, the policeman handcuffed two of the accused, who were then told to bend down, without letting their hands touch the ground. Two other victims were made to sit on their backs, while the last two were told to sit in front of them with their hands folded in a suppliant posture. This continued for two hours. Also, it was made public. The six victims claimed that they were tortured from 9 a.m. to 11 a.m., “in the verandah in front of the police station and a large number of people were witnessing the sight from outside the police station. The people who had gathered outside the station were also invited to get into the police station compound and had a clear view of the whole thing.” The court however quoted the medical testimony, according to which all eight injuries on the complainants were found to be “simple and… might have also been caused with a cane… or by the application of some vegetable poison,” and not curved in shape as they would have been had they been caused with a long whip, as alleged by the complainants. The case was dismissed.

The emphasis on violence in victim testimony cannot be dismissed, as was done by the courts, as subaltern hyperbole. Rather, they reflect the extent to which “intense pain… destroys a person’s self and world… Intense pain is also language-destroying: as the content of one’s world disintegrates, so the content of one’s

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93 Other examples also highlight physical violence, pain, and humiliation. The complainants – both male - in a case of police torture in 1974 accused the police officer of forcing them to commit sodomy with each other. G.O. 1175, Home 1975. In 1967 Sanjeevi, a worker in a political party, was brought in to the police station by force in the middle of the night and detained without a charge. He was made to kneel, was slapped on the cheek, kicked on his back, and beaten with a lathi (stick). G.O. 85 Home 17 January 1970, TNA.
94 G.O. 300 ms, Public Police, 28 May 1930, TNA.
95 Ibid.
96 Ibid.
language disintegrates.”97 Witnesses to custodial violence emphasized the cries of pain – the “Ayyo Amma” – of the victim.98 At times, this attention to expressions of pain in witness testimony came at the cost of precise details on time, place etc. relating to the event, and judges dismissed the testimony based on this discrepancy.99

Victim and witness testimonies emphasized not just expressions of pain but also the fact that the person inflicting bodily violence was an official of the state. This is suggested by the recurrent use of the term “booted leg” in accounts of police torture through the twentieth century. Boots are not commonly worn in India, least of all in southern Madras Presidency, where the weather is always hot. The word has no Tamil equivalent either. Yet, it makes an appearance, untranslated, in Tamil accounts of police violence as much as in reports written in English.100 The policeman’s boots – like his attire, his turban, and the station-house – represented the coercive power of the state in general and of the policeman in particular.101 One of the toll-gate operators (tortured by the police in 1929) claimed that the policeman “pressed his chest with his boots.”102 The Inspector who tortured Mani (1956) was accused of having “kicked the

97 Scarry, The body in pain : the making and unmaking of the world. pp. 35
98 Three witnesses who heard Sanjeevi in custody reported hearing these cries, as did the construction workers who heard Andi Kudumban being beaten. Witnesses to Lakshmi’s torture also mentioned hearing cries of pain. G.O. 85 Home 17 January 1970, Court Judgment in G.O. 1519 (ms), Public (General A), 24 September 1960, TNA, G.O. 1191 mis, Home Judicial, 27 May 1919, TNA.
99 In the case of Mariappa Samban’s death, there was minor discrepancy between the testimonies of three of the witnesses, as to whether they had accompanied him all the way to the cart or only part of the way. The judge dismissed their evidence on this count.
100 To my knowledge, the word is never used in any context other than police violence.
102 Court Judgment in GO 300 ms, Public Police, 28 May 1930, TNA.
boy with his booted leg.” Sanjeevi, another victim of custodial violence (1967), testified that the Sub-Inspector had “kicked him with his booted leg on his back.”

And in 1973 the Madurai CPM newspaper carried a piece on a case of custodial violence that reported,

Comrades Sundararaj and Krishnan, hailing from M. Pethanthi village near Virudhunagar, were walking down the by-pass road. The police Sub-Inspector and five policemen beat him right there with a furious rage. When Sundararaj questioned the police as to why they were beating them without reason, all the policemen together attacked him and pressed on him with their booted legs. Unable to bear this attack, Comrade Sundararaj fainted. Immediately they took him in a rickshaw to the police station. There too, they attacked him terribly. He was gravely injured on various parts of his body. His fingers were terribly wounded because of being stepped on with booted legs.

Although references to the body are usually pronounced only in victim testimonies, sometimes police speech too offers hints as to how they perceived their victims’ bodies. In 1935, members of the political opposition alleged in the Madras Legislative Council that the police had entered the hut of a Dalit, Santhana Kudumban, and beaten him and his children up, after receiving a complaint that his son had stolen some paddy. In response, the police claimed that they had merely seized the paddy but on examination found that it was of a different kind to that stolen and subsequently returned it. In a statement intended to defend their actions, but which emphasizes the subordination of the subaltern subject’s body, they assured the government that

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103 R.D.O.’s report in G.O. 917 Public 1958, TNA.
104 Minutes of the Departmental Enquiry into allegations of torture in G.O. 85, Home, 1970, TNA.
105 Theekadir, 8 March 1973. Translation mine. The phrase appears as “மலை குண்டாகண்டோம”.
106 G.O. 683 ms, Public Police, 17 December 1935, TNA.
Santhanam was in an advanced stage of venereal disease and that “no normal person would have touched him.”

In addition to the divergence between how victims and medical experts spoke about torture, there was also a gap between the victim’s experience of pain and the traces torture left on his/her body. The stylised nature of torture ensured that marks left on the body of the victim were often inadequate to prove the violence it had endured. The 1855 Torture Commission noted that “ordinarily the violence is of a petty kind, although causing acute momentary pain, and even many of the severe kinds invented by native ingenuity leave no mark behind them.” The report mentioned various forms of torture including tightly binding around the arm a rope soaked in hot chillies, mustard seeds, and salt, introduction of hot chillies or scratching insects into sensitive parts of the body such as the eyes or the genitalia, whipping with an instrument composed of four or five thongs of leather, and placing people in the sun, stooped and with stones on their backs.

While the Torture Commission traced the origins of stylised methods of torture to pre-colonial native practices, political scientist Darius Rejali’s analysis of torture

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107 Letter from the Inspector-General of Police to the Madras Government dt. 22 October 1935, in Ibid. Santhana Kudumban may have had some political connections, just going by the fact that the episode was raised as a question by Rettamalai Srinivasan, a prominent Dalit activist, in the Madras Legislative Council. This was true of at least three other victims of custodial violence mentioned in this chapter. Mariappa Samban’s case mentions that he was attending the Adi-Dravida conference in Koilpatti two days before his death. Andi Kudumban’s nephew was an officer in the local Harijan Welfare Society. Sanjeevi was a member of the DMK.


links its methods to the imperatives of modern democracy.\textsuperscript{110} Rejali draws our attention to techniques of torture honed to leave no marks, thereby dealing with the need for accountability in democratic regimes. In a similar vein, cases from the twentieth century that I draw upon include allegations of the police forcing a man to kneel in front of another for hours at a time, making a child perform \textit{ucki} (a punitive exercise imposed on juveniles where the victim had to hold his earlobes and go down on his haunches repeatedly), or even simply beating or kicking a man. These were stylised instances of torture that humiliated and caused pain without leaving a permanent mark on the body of the victim, and therefore, could not be captured by medical evidence. In the case where police tortured the three women (1917), the victims (and other eye-witnesses) claimed that the police had beaten them with a stick and with their hands, twisted their ears and their fingers, slapped their cheeks, forced them to inhale chilli fumes, and tied a string around the breast of one of them. The government surgeon, however, declared that the injuries on the women were “all of a trivial nature,” prompting the judge to take seriously the defence suggestion that they may have been self-inflicted.\textsuperscript{111}

Despite limits to its applicability, medical evidence held dominant status as evidence by virtue of being ‘scientific’ and ‘objective’. The case of Mani’s death is illustrative of the difficulties that arose from privileging the medical certificate above all other evidence. On the evening of 25 July 1956, a police constable found four

\textsuperscript{110} For an analysis of stealthy forms of torture in modern democracies, see Rejali, \textit{Torture and democracy}.

\textsuperscript{111} G.O. 1191, mis, Home (Judicial), 27 May 1919, TNA.
young boys – including Mani - playing cards for money near the town bus stop. He took them to the police station, where the sub-inspector made the boys perform a punitive exercise called ucki. Mani stopped doing them after a few repetitions, citing physical discomfort. The sub-inspector reportedly kicked him a few times for his impertinence, after which the boys were released on bail. Four days later, responding to his complaints of severe pain in the abdominal area, Mani’s mother took him to the clinic of a private practitioner. Mani complained to the doctor that he had been beaten and kicked by the police a few days earlier. The doctor observed a large swelling in his stomach, but sent him back after giving him some sedatives, claiming he could do nothing to cure him at this stage. Mani nevertheless went to a government doctor too, hoping to find some remedy for his pain. He died that night.

The next day, a resident of the town sent a telegram to the magisterial officer at Madurai, the district headquarters, asserting that the boy had been beaten to death by the police. During the inquest, the officer interrogated the policemen, the other boys, the fruit vendor, and Mani’s mother. This was one component of the enquiry, which sought to piece together the events of the past four days and to establish the cause of the death. The other component of the enquiry was the medical examination – the testimonies of the doctors who had attended to Mani on his last day, the post-mortem report, and the opinion of an external expert on the post-mortem report.

The doctor’s post-mortem report, which enshrined on paper the possible causes of Mani’s death, was arguably the most important piece of evidence for the enquiry, and was surrounded by controversy. By default, the body of the victim should have
gone to the local hospital for post-mortem. Mani’s relatives, however, objected to that, claiming that the doctor there was a friend of the inspector’s, and would consequently not state the truth. Accordingly, it was sent to the Madurai hospital, but without mentioning that the policeman had kicked the boy. The Madurai doctor therefore merely conducted a routine examination, without paying particular attention to the boy’s abdominal region.\textsuperscript{112} Later enquiries initiated at government’s insistence had only the post-mortem report to fall back on: it had become, as it were, the originary document of the crime, and its gaps could not be filled later. There was no way to ascertain whether the kick had caused the death or not, thus leaving the inspector scot-free.\textsuperscript{113}

The medical certificate’s potential for misuse was recognised as early as the 1880s, when it was only beginning to acquire the stature it was to hold through the twentieth century as principal evidence in criminal cases. A debate that took place in 1887 between the Madurai Medical Officer and the Inspector-General of Police for Madras Presidency pre-empted a century of controversy on the subject, and set in place a tradition that privileged the medical certificate as evidence.\textsuperscript{114} There was no standard format for the medical certificate at this time, in contrast to the detailed reports that would be written even a decade later.\textsuperscript{115} The medical officer argued that

\textsuperscript{112} The private doctor whom Mani had consulted before his death was excluded from the investigation at this stage.

\textsuperscript{113} During the inquiry, it emerged that the inspector had fudged the police station journal for the 25\textsuperscript{th}, to make it seem like he had not been in the station all day. He had possibly done so for fear of being linked with the boy’s death, and was punished for this crime, with a departmental censure.

\textsuperscript{114} G.O. 928, Judicial, 19 April 1888, TNA.

\textsuperscript{115} For instance even as early as Madura sessions case 43 of 1901, in G.O. 1246 Judicial 1901, TNA.
since his evidence was intended to help only the magistrate with his decision, and not
the police, the certificate should be as brief as possible so that there may be no details
offering “temptation to the police to get up a case to fit those injuries.” The Inspector-
General took exception to his insinuation of police corruption and contended that the
medical certificate was, in fact, intended to help the police in preparing their case, and
therefore should be detailed. “The medical officer, in a criminal question, is not, in the
first place, a witness; he is, like the police themselves, an active agent in the
enquiry...” The government supported the Inspector-General’s recommendations and
ordered that “a full and complete record of appearances observed (be) made
immediately after the examination of the dead body or wounded person”.

Thus, through court rulings and executive orders, magistrates, judges, police
officers, and government officials steadily reinforced the dominant status of medical
evidence, and the primacy of the medical expert’s evidence was consolidated by the
early twentieth century. In one case from 1901, the doctor at the first hospital to which
the constable took the corpse “had no post-mortem instruments” and therefore the
constable had to go to a hospital further away.116 Yet, we rarely come across
situations like this in later years. As early as 1901, medical reports were extremely
detailed and standardized. By the 1940s, the state prosecution inevitably marshalled
the government doctor as the first or second witness in cases of murder.117

116 G.O. 1246 Judicial 1901, TNA.
117 E.g. in IOR: L/P&J/7/3973, IOR: L/P&J/7/4508, IOR: L/P&J/7/4517, IOR: L/P&J/7/4659,
IOR: L/P&J/7/4763, IOR: L/P&J/7/4889, IOR: L/P&J/7/7306, IOR: L/P&J/7/7920, IOR:
L/P&J/7/8051, IOR: L/P&J/7/8481, IOR: L/P&J/7/10164, IOR: L/P&J/7/10291, British
Library. All of these were cases of murder from the 1940s.
As the medical certificate gained in stature, it was increasingly shrouded in controversy too. Government officials were aware of the risks of collusion between policemen and medical experts, as evidenced by a policy discussion from 1930. The Surgeon-General of Madras proposed that the police mention the suspected cause of death when they sent a body for medical examination. “Such a suggestion,” he noted, “might on occasion be of great value to the medical officer in bringing him to make particular parts of the examination with unusual care.” The IGP did not object to the proposal, but the Chief Secretary of the Government thought the suggestion “rather extraordinary”. “Having regard to absolute justice, it would seem better for the medical man to approach his problem entirely uninfluenced by any theories the police may have formed,” he argued. Other officers agreed, claiming that if the suggestion were adopted, “the value of post-mortem certificates as evidence in criminal cases in courts of law will be considerably reduced.”

Despite governmental recognition of complicity between policeman and doctor, and despite unremitting controversy over the medical certificate, the Madras government’s efforts to improve investigation into complaints of police torture did not address the problematic nature of medical evidence. Instead, they focused on expediting the inquiry process and on shifting the investigating agency away from the police towards the magistracy and the judiciary. For instance, in 1896 government ordered that the preliminary investigation into all complaints of custodial violence against police officers should be made by divisional magistrates and not be left to sub-
magistrates or subordinate police officers. In 1907, the Government of Madras ordered that an independent magisterial inquiry, in addition to the one conducted by the police, be conducted in cases of suicide in jails. A 1912 order mandated that “all cases of hurt or more serious injury inflicted by a police officer for the purpose of extorting a confession or information, should always be inquired into by a magistrate.” The 1912 order also mandated that an officer connected with a particular case could not be involved in the investigation of cases of misconduct arising from that case. A 1942 order increased the role of the sub-divisional magistrate in conducting enquiries into charges of police torture, possibly towards expediting such enquiries which earlier depended more on the authority of the district magistrate. Furthermore, it clarified that while the magistrate could invite a police officer to help him with the enquiry, the police should not conduct a parallel enquiry. Pushing the burden of investigation from the police department to the magistracy did not always result in a speedy and honest trial. In March 1912, the Madras government took note of a case where a magistrate had taken five months to try a case of torture and extortion against certain police officials, and pressed “the

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118 In G.O. 1807, Judicial, 14 November 1896, quoted in G.O. 525 P, Judicial, 25 March 1902, TNA.
119 G.O. 1454, Judicial, 16 August 1907, in Madura Collectorate file 78/ judicial/ 07, 28/08/1907, DRCM.
120 G.O. 1098, Judicial, 9 July 1912, in 23/mgl/1912, 6/8/1912, DRCM.
121 G.O. 1186 (ms), Home, 21 March 1942, TNA.
122 This was markedly different from a 1902 order clarifying that notwithstanding earlier orders emphasising magisterial role in investigating allegations of ill-treatment by police to persons in their custody, police superintendents were not debarred from conducting departmental inquiries into the same and to submit such reports to the district magistrates. G.O. 525 Press, Judicial, 25 March 1902, TNA.
importance of promptitude in the disposal of such charges, in order that no time may be given to concoct evidence or tamper with witnesses."^{123}

The redress to police torture, which involved filing reports, lodging complaints, and waiting for corrective action by state officials, stayed largely within a logic of documentary power. Complaints of torture were often not registered by the magistracy and when they were, inquiries were not launched.^{124} Even when a prima facie case of custodial violence was made out, the complainant needed to get governmental sanction to prosecute the accused policeman judicially since the latter was a government servant.^{125} Towards correcting some of these flaws, government sought to make investigation automatic rather than requiring a complaint from the victim. The Criminal Rules of Practice required the police superintendent to immediately submit a full report on all cases of suicide in police lock-ups to the

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^{123} G.O. 381, Judicial, 9 March 1912, in 7/mgl/1912, 26/3/1912, DRCM.
^{124} An 1895 case of police torture illustrates this. The case provoked sharp criticism from the local press and later the Madras government, more for the criminal negligence displayed by senior magistracy and police officers in the matter than for the torture itself. The police had tortured to death a man of the Yerukula caste (which would be declared a criminal tribe in 1911). The relatives of the deceased attempted to register a complaint with the divisional magistrate and the district superintendent of police, both of whom happened to be on tour in the village at that time. They were completely ignored. Independently, the police superintendent received departmental reports on the death of the man, indicating torture as a likely cause. But he did not launch the required enquiry into the custodial death and swept the matter under the carpet. When the government finally took upon the case after seeing reports in vernacular newspapers, it punished the officers with demotion in rank, freezing of promotions, and a transfer. The constable responsible for the death was sentenced by the sessions' court to five years' rigorous imprisonment. Madura Collectorate File 908/ mgl/ 1896, 30/9/1896, DRCM. Often, even in cases where some degree of torture was established, the police officers were rarely punished more seriously than with a temporary freeze in salaries.
^{125} When Lakshmi, a prostitute and brother of Solai Asari, alleged that her brother had died on account of custodial violence, the case was dismissed after the initial inquiry. Government not only denied her permission to prosecute the policeman, it also ordered that Lakshmi be prosecuted for making a false complaint against a policeman. G.O. 388 Public 1956, TNA.
Inspector-General of Police. In 1913, the Government of India ordered that cases of torture be recognised not only when a victim lodged a formal complaint (whether with the police or with the magistrate) but also if a judge discovered evidence to its existence in the course of his investigations. In addition, the Government of Madras ordered in 1911 that

Directly an accused person is placed under arrest, the investigating police officer shall as the first step in the police investigation, ask him whether he has any complaint to make of ill-treatment by the police and enter in the case diary the question and answer. If an allegation of ill-treatment is made, the investigating officer shall there and then examine the person’s body, if the prisoner consents, to see if there are any marks of ill-treatment and shall record the result of his examination.

Directly or indirectly, these attempts to improve investigation into police misconduct reinforced the primacy of medical evidence, for they assumed that a less biased authority, in control of the right evidence at the right time, could reach an accurate judgment on the occurrence of torture. It was implicit in these efforts that medical evidence was the most objective and reliable way of determining the occurrence of torture. The story of Andi Kudumban exemplifies the problems inherent in using the body of the victim, and not his voice, as the only evidence in court, and by extension, the near impossibility of judicial redress to torture.

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126 Criminal Rules of Practice Rule 598.
127 This order was passed through despite objections from local governments that it was “an unnecessary and undesirable innovation”. Government, however, ignored these objections and ordered that “in serious cases of misconduct where a Sessions court or a court of superior status records its opinion that a special enquiry is necessary, that enquiry should take place automatically.” File 17/1914, 28/2/1914, DRCM.
128 Official memorandum No. 1277/a-3, judicial, 31 August 1911, in 23/mgl/1912, 6/8/1912, DRCM. These rules were inspired by those in practice in Bombay Presidency.
Andi Kudumban was a 60-year old Dalit labourer who died in the Ottapidaram Police Station, Tirunelveli in March 1959.\textsuperscript{129} At 8 a.m. on the morning of the 28\textsuperscript{th}, Karuppanan, a watchman in a cotton field, came to the police station complaining that he had caught Andi stealing some cotton. The inspector sent out three constables, who apprehended Andi in the village tea-shop and brought him to the police lock-up. Meanwhile, the inspector had to leave the station on work and the station-writer filed the charge against Andi.\textsuperscript{130} Around 11 a.m., the writer sent the two constables who had the morning shift home, earlier than scheduled, and bid the constables of the second shift to come in late, on some pretext. Thereby, he manoeuvred to have the station to himself for a couple of hours. Around one p.m., three workers at a construction site opposite the station heard cries of pain and saw the writer beating Andi on the station verandah. The constables who came in on duty an hour later found Andi’s body hanging inside the lock-up. Meanwhile, the construction workers had spread the word and a crowd had gathered outside the station. When it became known that Andi had been found dead, the President of the local Dalit Welfare Society, who had some political clout, telegraphed government ministers to ensure that an inquiry was instituted.

The medical officer who conducted the post-mortem observed no signs of external injury except some marks around the neck. He pronounced the cause of the death to be asphyxiation, caused by hanging. However, the Revenue Divisional

\textsuperscript{129} G.O. 1519 (ms), Public (General A), 24 September 1960, TNA.
\textsuperscript{130} The station writer is a constable with specific duties - involving registering the cases, updating records etc. and not so much the beat.
Officer (RDO) who conducted the magisterial enquiry observed that the height of the cell vastly reduced, if not eliminated, the chance of death by hanging. The ceiling of the cell was only a few inches more than the height of the victim, and even if he had tried to hang himself, he would have instinctively held on to a crossbar for support. Also his dhoti, which he had ostensibly used to hang himself, showed no signs of having been twisted.\textsuperscript{131}

Based on the RDO’s suspicions, the post-mortem report was sent to the Director of Medical Services, Madras for a second opinion. But by this time, the report had become the central document pertaining to the death. Even though he sympathised with the RDO’s suspicions, the medical officer could pass a judgment only based on the post-mortem report and returned an opinion of death by hanging. The charge against the writer therefore came down to documentary lapses i.e. failure to record his movements for the day in the police diary and making incorrect entries in the First Information Report for the initial crime of cotton theft. As punishment, his salary increment was stopped for two years.

Suggestively, the panchayat president and a nephew of the deceased had requested that the body be sent to the hospital in Tirunelveli, a large town at some distance from the village, for the post-mortem. But as the RDO could not “adduce proper reasons for the request”, this request was declined and the body sent to the nearest hospital for examination. A proper reason had to fall within the vocabulary of

\textsuperscript{131} Dhoti – part of a man’s garment
bureaucratic procedure and could not simply stem from villagers’ suspicions of the networks of police power or a particular doctor’s integrity.

In any case, there was enough circumstantial evidence for the case against the station-writer to be tried in the court.\textsuperscript{132} However, the post-mortem report cast its long shadow here as well, and the writer was acquitted. The judge’s remarks reflect the extent to which he privileged medical expertise over oral testimonies of subaltern witnesses. He discounted the testimonies of the three construction workers as lacking clarity and consistency and claimed that “the main evidence is that of the post-mortem certificate and the evidence of the medical officer… The opinion of the doctor was that the man died by asphyxiation. So that, the evidence of PWs 6 to 8 that they saw at 1:30 pm Andi Kudumban being kicked by the station writer must be false.”\textsuperscript{133} And there the case and any possibility of making amends for Andi’s death presumably ended.

**Protest – within and outside the law**

After the post-mortem, Andi Kudumban’s family refused to take his body for burial, and the village headman had to perform this task. This nugget is mentioned in the RDO’s report simply as a procedural detail, perhaps to explain what had been done with the body. But why did the family refuse to take their husband’s, father’s, uncle’s body? Can this act be read as a protest against the death and the futile enquiry that

\textsuperscript{132} A judicial enquiry followed the magisterial enquiry, if made necessary by its findings.

\textsuperscript{133} PW - prosecution witness. Emphasis mine.
followed it? If so, it was a poignant protest for it exposed the fact that Andi’s body held little ability to obtain justice.

The judicial channel presented serious challenges to victims seeking redress: it was hard to launch a case against a policeman, and it was even harder to convict a policeman in a case. Furthermore, it was easier for those with some access to literacy and money to take judicial action against perpetrators of violence, and victims of custodial violence often lacked these resources. For instance, it was Andi’s nephew, a member of the local Harijan Welfare Association, who pressured officials to institute a case against the concerned policeman.134 In contrast, Andi’s wife played almost no role in the proceedings that followed his death. The magisterial officer who inquired into the case summed up her deposition, and her minimal role in the events pertaining to her husband’s death, as follows: “Witness 3 is the wife of the deceased… stated that the deceased went for picking cotton on 28-3-59 morning. She later heard that the policemen took him and her husband was dead.”135 Likewise, Mani’s mother did not play a key role in demanding an inquiry into her son’s death. Rather, it was Nagarathinam, a (male) resident of Melur town, who, while eating breakfast at a restaurant, heard people talking about how a boy called Mani had died the previous day from the Sub-Inspector’s beating. Although not related to Mani in any obvious way, he spoke to the boy’s mother and sent a telegram to the District Superintendent of Police demanding an inquiry.

134 Harijan = a Gandhian term for Dalits.
135 G.O. 1519 ms, Public, Sep 24 1960, TNA
Sometimes, registering complaints with local bureaucrats was inadequate to institute an inquiry against a policeman, and protestors mounted a political attack in order to launch the inquiry. Here too, the ability to protest was limited to those with political connections. When policemen beat Santhana Kudumban (a Dalit) in his hut (1935), it was the prominent legislator and Dalit activist, Rettamalai Srinivasan, who questioned government on the deed in the legislative council.\(^{136}\)

The use of political channels to seek redress in cases of custodial violence was considerably easier in independent India, where speaking about police authority was an important way of political participation. In particular, parties in the political opposition identified police violence with unchecked state authority. Andi’s nephew sent a telegram to the Minister of Harijan Welfare to demand an inquiry into his uncle’s death (1959).\(^{137}\) Sanjeevi, who was a member of the DMK, petitioned a member of the Madras Legislative Assembly, who, in turn, sent a letter to the Chief Minister of the state, complaining about the violence he had endured (1967).\(^{138}\) When Veerabhadrnan died in custody (1969), CPM leader Ochappa Thevan presided over public meetings organized to protest against the death.\(^{139}\) Similarly, CPM leaders Palanisami and Ramasami convened a public meeting in Rajapalayam town demanding a governmental enquiry upon hearing complaints that one Karuppa Thevar had been beaten to death in the local police station.\(^{140}\)

\(^{136}\) G.O. 683 ms, Public Police, 17 December 1935, TNA.

\(^{137}\) G.O. 1519 ms, Public, Sep 24 1960, TNA

\(^{138}\) G.O. 85 ms, Home, 17 January 1970, TNA.

\(^{139}\) Theekadir, 13 July 1969

Yet, these actions, whether of registering a complaint with the bureaucracy or of creating political noise, did not happen in a vacuum. In most of the cases listed above, the person lodging the complaint did so upon “hearing” complaints or rumours of the death. Where did they hear these rumours? Torture in Madras was not entirely secret: friends, family, and neighbours of the victim knew about, sometimes even witnessed, and always spoke about, episodes of violence. Andi’s wife and nephew heard of his arrest from by-standers at the village tea-shop from where he had been apprehended by the police. Nagarathinam heard people talking about Mani’s death when he was eating his breakfast at a restaurant – “taking tiffin in a hotel” in the local idiom. The fact that he was getting his breakfast then was not incidental to his hearing of the incident, rather “taking tiffin” was an occasion and a space of everyday socialization. In a study of torture in the Latin American rubber plantations, Michael Taussig emphasizes the role of narrative strategies (both among the colonisers and the colonised) in mediating a culture of torture. “Surely,” he writes, “it is in the coils of rumour, gossip, story, and chit-chat where ideology and ideas become emotionally powerful and enter into active social circulation and meaningful existence.” In the

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141 As seen in the examples listed in this chapter, torture did not always happen at the dead of night, within the police lock-up or in other unknown places. It could happen during the day, in the verandah of the police station or in the house of a villager. Furthermore, victims who survived were sent back home, where they presumably spoke about their experience. Finally, even in cases where the victim died, his family and neighbours knew that he had been taken to the police station.

142 Discussing torture under Company rule, Anupama Rao points to its “paradoxical logic… as simultaneously secret and public.” Rao, "Problems of Violence, States of Terror: Torture in Colonial India." pp. 4129. Torture did move towards the realm of secrecy after 1858, but this move was by no means complete.

143 Taussig, "Culture of Terror -- Space of Death. Roger Casement's Putumayo Report and the Explanation of Torture."

144 Ibid. pp. 494.
Tamil countryside, spaces like the tea-shop and the corner restaurant were crucial sites where people spoke about state authority.

In British India, though colonial subjects used rumour to speak about police authority, it did not translate to political action. For instance, witnesses heard the cries of Chellathai, Lakshmi and Veerammal, the three women who were confined in a villager’s house and tortured (1917). Neighbours saw them being beaten from across their courtyard, peeping through the window of the house where the torture took place, and from the road. Most decided not to interfere, but one of them remonstrated with the police for their actions, only to be threatened and driven away. The coils of local chit-chat ended here in this case – there was no political party to organise a protest against the violence. There is some indication, however, that unlike gossip that accompanied particular cases of torture, narratives of torture were in circulation more generally and found their way into both the judicial record and official discussions on torture. In 1888, the Madras High Court commented on the high number of cases on its record where the accused claimed that they had confessed to the crime under police coercion. The Inspector-General of Police defended his force, claiming that defence attorneys appointed at public expense in cases of murder fell back on the excuse of police ill-treatment to “explain away” their clients’ confessions. “Moreover,” he wrote, “criminals already under confinement do much towards teaching under-trial prisoners to plead ill-usage at the hands of the police, and it has now become a regular

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145 Court judgment in G.O. 1191 Home Judicial, 1919, TNA. The witness attested to hearing the cries “at about ten naligais of the day” – probably around 9-10 am, if the day started at dawn.
practice throughout the Presidency for prisoners… to withdraw their confessions and accuse the police.”

For instance, in 1901, Nallama Naick, convicted for murdering his wife, claimed that he had confessed to the crime under duress. “4 or 5 constables threw me down, tied my legs and hands, and drove needles into my nails. They burnt the wound caused by the bill hook,” he said.

In the same year, Periyakaruppan Asari, also convicted of murdering his concubine, professed a strikingly similar fate. In his appeal to the High Court, he insisted that the police had taken him to a room, driven needles into his nails, burnt his leg with a firebrand and cut his little finger in order to make him admit to the crime. Both their appeals were dismissed on the strength of independent evidence. The two crimes had occurred at places a hundred miles apart, but both of the accused had spent time, while waiting for their appeal, in the same jail. The Inspector-General of Police dismissed the allegations of torture, asserting that it was “a reasonable presumption that the charges were suggested to them in the jail.” Government officials wondered whether it was “a regular ‘trick of the trade’ on the part of the petition writers” that caused such allegations to be consistently made in appeal petitions. Whether the allegations were true or false, whether they had been suggested by professional petition writers or by others, the fact remains that people spoke about torture, and in ways that foregrounded the violence to the body.

In independent India, on the other hand, as tales of police torture entered popular conversation, they gained political meaning. News of custodial deaths could

146 IGP’s letter dt. 11 July 1888, in G.O. 1600, Judicial, 31st July 1888, TNA.
147 G.O. 1246 Judicial, 14 August 1901, TNA.
spread rapidly in the neighbourhood of police stations, causing angry crowds to gather in protest (sometimes provoking the use of more outright state force). Construction workers who saw the policeman beat Andi (1959) immediately ran to inform the village Panchayat president. The word spread and soon a large crowd gathered outside the police station. Likewise, the complainants who had lodged a case of theft against Veerabhadran (1969) heard of his torture and came to the police station to withdraw their complaint. Two days later, when his body was found lying near the station, the news spread like wildfire in the city, and people gathered in front of the police station to protest against the killing. Tension built over the course of the afternoon, and around 4 p.m. the police fired: two were killed and several injured.\textsuperscript{148} Gossip about custodial violence was accompanied by rumours that the government might cover up the scandal. Concerns that the post-mortem report might be tampered with were particularly noticeable. In 1971, Chinnaperumal, accused in a burglary case, was found to have committed suicide in a Tirunelveli police lock-up. While his body was taken for autopsy after the inquest, a crowd of 500 people demanded a confrontation with the constables responsible for the death. When this demand was rejected, people turned restive and surged towards the police station. The police responded with a\textit{lathî} charge and by opening fire.\textsuperscript{149}

Ironically, while the claims of victims who survived custodial violence were frequently dismissed, the victim’s voice had a better chance of being heard in cases of custodial death. Police torture usually intended to hurt and humiliate, not to kill, since

\textsuperscript{148} Theekadir, 26 June 1969.  
a death left the policeman with a body on his hands and the prospect of punitive proceedings.\textsuperscript{150} Staged suicides were the standard way of avoiding controversy.\textsuperscript{151} They gave the victim the guise of voice, and displaced the agency for the violence from the state to its subject – at least in the governmental and judicial record.

One instance from the archive indicates a possible subaltern appropriation of this tactic of redirecting the agency for violence. Around 2:30 am on November 28, 1923, a constable found a man hanging dead from the neem tree in the compound of the Sholavandan police station in Madurai.\textsuperscript{152} The man, who had been registered under the Criminal Tribes Act, 1911 had, according to the rules, reported himself at the police station that night, but then fallen asleep in the station verandah instead of returning home.\textsuperscript{153} The police inquest the next day returned a verdict of suicide, based partly on the testimony of local panchayatdars that the deceased had had a disagreement with his concubine. The post-mortem confirmed the inquest finding of

\textsuperscript{150} At another level, Hansen and Stepputat locate “the secret of sovereignty… in the tension between the will to arbitrary violence and the existence of bodies that can be killed but also can resist sovereign power, if nothing else by the mere fact of the simple life force they contain… Even in situations of total control, exception from legality, and psychological humiliation, as in the camps at Guantanamo bay, it is imperative to keep the bodies of the prisoners alive and in good health in order not to be seen to violate the ultimate – biological life itself.” Pp. 13. Thomas Blom Hansen and Finn Stepputat, \textit{Sovereign bodies : citizens, migrants, and states in the postcolonial world} (Princeton, N.J.; Oxford: Princeton University Press, 2005).

\textsuperscript{151} The Amnesty International reports (from the 1980s onwards) that the Indian police also secretly dump the bodies of victims of custodial violence in rivers or wastelands far away from the station.

\textsuperscript{152} G.O. 327 mis, Judicial Police, 23 June 1924, TNA.

\textsuperscript{153} By the late nineteenth century, the theory of criminal castes, according to which certain castes were inherently criminal, had gained currency in colonial governance. This theory attributed criminality at the level of the community, for simply belonging to it, rather than at the level of an individual for a particular crime. This belief was crystallized with the passing of the Criminal Tribes Act of 1871. Persons notified under the CTA were required to report themselves to the police regularly – sometimes, every day.
death by hanging, and “no suspicion of foul play was elicited.” A letter was later found in the clothing of the deceased, indicating that he had planned to commit suicide. The story ends there, somewhere inconclusively.

The man, unnamed in the government report, may, in truth, have killed himself after a quarrel with his concubine. But if so, why did he choose to do so within the premises of the police station? The harsh policing of criminal tribe members, including the requirement to report all their movements to the police, has been commented upon both by contemporary critics and in the historiography. The protagonist of this story did achieve some kind of retribution for this unremitting surveillance through his act of dying. Nationalist non-cooperators created a fuss and called for an explanation for his death from the government. In addition, “there was a lot of vague talk and obstruction to the holding of the inquest.” And the police were called upon by the Madras government to give an adequate account of the events (although they were ultimately exonerated).

**Conclusion**

This chapter examined the many ways in which people understood and spoke about custodial violence in colonial and postcolonial Madras Presidency. Government administrators presented the problem of torture as one that occurred when untrained native constables strayed from the right legal procedure, by extorting confessions of

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154 Letter from District Magistrate to the Madras Government, dated 27th April 1924, in Ibid.
155 See, among others, Pandian, *Crooked stalks : cultivating virtue in South India.* Radhakrishna, *Dishonoured by history : "criminal tribes" and British colonial policy.*
156 Letter from District Magistrate to the Madras Government, dt. 27th April 1924, in Ibid.
guilt from criminal suspects. Victims of torture and their kin perceived torture as an act of violence directed by the state on the body of a subject. Courts were deaf to subaltern attestations of police violence and chose instead to accept medical testimony as evidence of the crime on the body. Ironically, the body invariably failed to provide evidence of the violence it had endured, and policemen were usually acquitted of charges of torture. I argued that this blindness of judicial process to custodial violence, as much as governmental indifference or police misconduct, enabled the endurance of the practice over a century of reforms that sought to end it.

Custodial violence was entwined with law enforcement – it was committed by policemen, in station-houses, as part of criminal investigations. Further, it left no evidence that was legible to a court, thereby embedding quotidian exercise of state violence in a judicial system that privileged rational arguments and medical facts to attestations of pain. Dismissed from the court, colonial subjects and postcolonial citizens used avenues other than the law to speak about police violence. Specifically, torture was a subject of gossip and rumour, which, in postcolonial Madras, could be channeled through democratic politics to protest against police violence. The following chapter examines more spectacular instances of state violence i.e. police control of “unlawful assemblies.”
We, as British Government, cannot certainly be accused of limiting the right of public meetings, freedom of speech and freedom of right in the press. I do not suppose that any other country in the world would hold such liberal views – views as liberal as we do in these respects. What happens when there is an abuse of such rights? We have seen it constantly happen. We have seen the right of public meetings abused; we have seen the right of free speech and free writing in the press abused. I do not think that the worst enemies can accuse the Government with having acted precipitately, rashly, arbitrarily and cruelly towards any person guilty of such abuse… We have to act alone and it seems to me that we have got to make the public realise that if they choose to abuse the rights that we have given them, if they chose to defy constituted authority and to set at defiance law and order, they have got to pay for it. It is very objectionable but it is necessary.¹

The date was 1 April 1908, the speaker the Governor of Madras. He was addressing a small delegation of Indians from the southern towns of Tirunelveli and Thoothukudi in Madras Presidency.² The “objectionable but necessary” action the Governor was referring to had happened a couple of weeks earlier, when the Madras police had fired on nationalist processions in both towns, killing four persons and wounding many others.³ The government argued that the firing was justified because its colonial subjects had abused their right to public assembly: in Thoothukudi, they

¹ Governor’s response to Tirunelveli Deputation, 1 April 1908, pp. 27. G.O. 133B Judicial, Disposal, 9 July 1908, TNA.
² Thoothukudi is alternatively spelt as Tuticorin, Ramanathapuram as Ramnad, Madurai as Madura, and Tirunelveli as Tinnevelly in their Anglicised versions.
³ Report on the Administration of the Police of the Madras Presidency. 1908 pp. 11-12
had refused to disperse when commanded to, and in Tirunelveli they had become a riotous mob, burning records in multiple government offices.

In addition to firing on the gatherings, the government had stationed extra police forces in both towns towards preventing recurrences of such abuse of right to public assembly and speech. The cost of the additional police would be shouldered by the inhabitants of the towns through a levy, suggestively called the “punitive police tax.” The purpose of the delegation was in fact to seek exemption from the tax by arguing that the towns were normally peaceful and didn’t require extra policing. The delegation wasn’t successful in its efforts: the punitive police forces were quartered in the towns for six months, at the end of which a permanent addition was made to the district’s armed police reserves, as a preventive measure to preserve order in the future. Both actions i.e. firing on the crowd and levying the punitive police tax were, in the words of the Governor, “objectionable, but necessary.”

Historians and legal scholars have characterized the British government in India as “neither despotic nor democratic,” i.e. the subjects of empire were not slaves, but not quite free subjects either. The colonial government proclaimed liberal principles such as universal law and right to public debate, yet its practice of liberal

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4 Ibid. 1908 pp. 12
5 Nasser Hussain contrasts British India with Caribbean slave plantations. “The nineteenth-century empire, covering India, and later Africa and the Middle East, consisted of people who were not slaves, but, because deemed utterly incapable of participating in their rule, were not quite free subjects either. This empire required a new conception of sovereignty, one that was neither despotic nor democratic. And for such a historically specific reason, it was in this empire that law in general, and the problematic of a rule of law and emergency in particular, assumed a greater ideological weight.” Hussain, The jurisprudence of emergency : colonialism and the rule of law. pp. 25.
principles was always limited by the fact that it was a regime of conquest.  

For example, its professed allowance to public assembly depended considerably on the nature of the assembly: its size, its demands, and the general political climate. If local governmental authorities interpreted an assembly as a challenge to state authority or to public order, they deployed one of many policing mechanisms to simply prevent its occurrence or to quell it. The colonial government therefore often walked a tightrope as it balanced its avowed liberal tolerance of public opinion with suppression of protest. This endeavor to maintain law and order resulted in a series of ‘objectionable but necessary’ actions that skirted legal guarantees to freedom of speech – sometimes through use of force, as in the firing mentioned above.

This chapter, set in the southern districts of Madurai, Tirunelveli, and Ramanathapuram, in Madras Presidency, examines how the colonial state managed a subject population through a near-continuous and well-calibrated policing of popular forms of mobilization. It argues that by resorting to a spectrum of policing measures, the colonial government maintained public order amidst popular protest in the first half of the twentieth century. Drawing upon an elite perception of popular assemblies as impulsive and potentially-violent crowds, the police criminalized and suppressed public gatherings even in instances where they were peaceful and abided by the law. Oftentimes, this resulted in the escalation of protest and of its policing, leading to a “riot” and a firing.

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6 Chatterjee, The nation and its fragments : Colonial and postcolonial histories.
The chapter also discusses the extent to which the Madras government continued to police public assemblies after 1947, when India won independence from British rule. The postcolonial government was as concerned with public order as had been the colonial government, and the continuity in legal procedures after independence enabled the postcolonial police to resort to many of the measures the colonial state had used to manage protest. However, in a democratic context, there were new limits to its ability to police public gatherings. Citizens of the independent state had many platforms – including election campaigns, legislative houses, newspapers, and the streets – where they could protest against the use of police force on peaceful gatherings. Accordingly, police rules were reframed to reduce the use of force on public assemblies – most effectively, the use of tear-gas was inaugurated. This significantly reduced fatalities, even while allowing the state to subdue protest.

Colonial subjects in twentieth-century British India voiced their politics in many ways including participation (if limited) in legislative houses, petitioning government authorities, writing in the press, and holding public assemblies. This chapter deals with the last of these categories i.e. popular politics that were performed in public spaces and that were, therefore, direct objects of police control. Villagers and town-dwellers periodically congregated on streets, in market-places, parks, and meeting halls, in the District Collector’s office and Sessions Court premises, and outside factories and textile mills to articulate their politics. These congregations were held for various reasons: sometimes members of a community celebrated a festival
lavishly to assert their social status; at other times labourers demanded higher wages or better hours of their employers; and at other times nationalists protested against a governmental policy. The twentieth-century public gatherings that I discuss generally conformed to the law and to norms of civic engagement. They may be classified under what Ranajit Guha called “Rightful Dissent,” which he describes as the idiom of Resistance derived from British political traditions (as opposed to indigenous ones). Leaders spoke, audiences listened, and processions marched. “There was an awareness, in this idiom, of the legal and constitutional limits imposed by the colonial authorities on its articulation; and it contained itself most of the time within those limits…”

Yet, even when public assemblies adhered to constitutional forms, they caused anxiety to colonial authorities. In colonial writing, mass gatherings were usually

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7 For a discussion of how regional and pan-Indian communal identities that went beyond local ties were defined in public arenas such as the street and the festival in the nineteenth century, see Sandria B. Freitag, Collective action and community: public arenas and the emergence of communalism in north India (Berkeley: University of California Press, 1989).

8 For instance, I have not included within the scope of this chapter food riots or tribal rebellions. The notable exception to adherence to law was the Gandhian civil disobedience movements, which determinedly broke the law, albeit nonviolently. “Rightful Dissent… informed a wide variety of protest in forms unknown to our politics of the precolonial period. Some of its examples would be found in the assemblies, marches, lobbies and other large gatherings sponsored by mass organizations under leaderships elected according to parliamentary or quasi-parliamentary democratic procedures. The association of the laboring populations of town and country in collective bodies like trade unions and kisan sabhas, strikes and other struggles for the satisfaction of demands for wages, employment, better living conditions, and civil liberties, and the mobilization of the subaltern in the institutionalized sectors of nationalist politics by the Congress and other parties, were also instances of this idiom at work. Guha, Dominance without hegemony: history and power in colonial India. pp. 55.

9 Ibid. pp. 55-6.

10 In a way, public assemblies caused anxiety especially in, and not despite, a context of increased legalized political participation. For a discussion of anxiety about crowds in a context of immigration, increased democracy, and changing class dynamics, see Leo
indistinguishable from ‘crowds,’ which were perceived as non-political, manipulable, and prone to irrational violence. Police and magisterial officers repeatedly used the term ‘crowd,’ with all of its pejorative connotations, to refer to public gatherings. The fear of the crowd translated to legal practice too. This chapter discusses how a public assembly became categorized as “an unlawful assembly,” which could then be policed in conformance to colonial law. There were a few ways in which this was done. First, any assembly of more than five which threatened peace, in the assessment of the police and magistracy, could be declared an unlawful assembly and dispersed through use of an indeterminate amount of force. Second, magistrates could pass temporary executive orders that bypassed due process and preemptively limited subjects’ right to public assembly. This provision, enabled by Section 144 of the Criminal Procedure Code, was used frequently in colonial Madras to prevent articulation of demands through legal means. Application of Sec. 144 sometimes curbed protest; however, at other times, it pushed protest into a space of more confrontational politics that was policed through use of force. Somewhat similar to Sec. 144 was a provision in the Police Act, 1861, whereby if the police expected a procession to cause a breach of the peace, they could prescribe its route and timings, monitor it, or simply disallow it. Last, the colonial (and postcolonial) government could station additional, armed police


forces in areas it deemed to be “in a disturbed or dangerous state.” These armed forces acted as conspicuous signs of state authority and subdued protest for extended periods of time.

All of these policing mechanisms shared characteristics reminiscent of state action in times of emergency, suggesting that the state perceived the public assembly/crowd as an entity that warranted exceptional action. In his study of colonial law and the state of exception, Nasser Hussain lists these characteristics, which marked colonial martial law as well as the policing of domestic riots in Britain. First, they were justified by invoking “the rationale of necessity”. Second, and relatedly, they were deployed not by resort to legal process but by means of executive decisions, a display of sovereign rather than legal authority. Third, they were temporary measures, justifiable only so long as it was “necessary” to deploy them. And finally, they involved the use of force. The colonial’s state’s engagement with public gatherings in twentieth-century Madras frequently displayed one or more of these characteristics, as will be seen in the pages below. I suggest therefore that public gatherings were as much or more an object of policing and violent state power, as of normal legal authority. All the same, since these measures emerged from routine policing

12 *The Police Act*. Sec. 15
13 “In both cases a state of necessity is the initial justification, a post facto indemnification is often the result, and an impossible demand for a precision of force regulates the authority… The category ‘necessity’ is itself a temporal condition. That is, it must be represented as an interruption in the otherwise smooth functioning of lawful politics. Only its minute by minute narrative, its always so closely anticipated ending, can make legitimate the exercise of violence.” Hussain, *The jurisprudence of emergency: colonialism and the rule of law*. Pp. 106-9.
14 Ibid. pp. 1
procedure, the deployment of state violence to manage protest appeared normal, rather
than exceptional.

Even as the colonial government’s attitude to public assembly moved between
tolerance and outright violence, popular expressions of resistance veered between
Rightful Dissent and more violent forms of protest.\textsuperscript{15} People who were gathered in
protest occasionally showered stones on policemen, attacked other adversaries, or
burnt shops and government offices. These moments of protest were labelled “riots”
and were put down through use of police or military force. However, the riot did not
mark an impulsive moment of insanity, nor was it a regression to pre-modern political
forms.\textsuperscript{16} Historians of modern South Asia have explored the politics of communal and
nationalist riots, to throw light on their imbrication in modern forms of politics, their
stereotyping in colonial discourse, their complex pre-history that involved a variety of
social, economic and ideological factors, and the mentalités of the rioters.\textsuperscript{17} In line
with this corpus, my chapter too stretches the moment of the riot to study its prehistory
and posthistory. However, I do not focus my study on the substantive politics of the
rioters; rather, I examine how the forms of rioting were constituted in a long-drawn-
out relationship to policing.

\textsuperscript{15} To continue using Guha’s framing of resistance, these violent forms of protest would be
called ‘Dharmic Protest.’ However, while Guha attributes an indigenous source for Dharmic
Protest, I suggest that the riots I study were constituted in a dynamic with modern forms of
policing. Guha, \textit{Dominance without hegemony : history and power in colonial India}.
\textsuperscript{16} For a fascinating deconstruction of an ostensible moment of insanity, see Amin, \textit{Event,
metaphor, memory : Chauri Chaura 1922-1992}.
\textsuperscript{17} Ibid. Pandey, \textit{The construction of communalism in colonial north India}. Freitag, \textit{Collective
action and community : public arenas and the emergence of communalism in north India}.
In his study of the policing of mass demonstrations in modern democracies, P.A.J. Waddington observes the shift in forms of industrial conflict in England, from “stoning and shooting” in the late nineteenth century to less confrontational interaction by the early twentieth century. This shift occurred as forms of protest became more institutionalized – protestors gathered in designated streets, at certain hours, and limited themselves to peaceful protest; equally, the police became more tolerant of such institutionalized protest.  

Waddington attributes these shifts to the extent to which the political system was able to incorporate different groups and issues into institutional channels. “In liberal democracies,” he writes, “there is a preference for non-confrontational methods and a strain towards institutionalization because this is relatively trouble free.” Waddington contrasts this situation with those that obtained in the British colonies, “where the established social, political and economic institutions are perceived to be under threat (and) institutional pressures will encourage more confrontational methods of public order policing.” The pages that follow describe the colonial state’s fragile tolerance of institutionalized forms of protest, or Rightful Dissent, in twentieth-century India, and the ways in which protest slipped into the confrontational terrain of riots and police shootings.

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18 P. A. J. Waddington and Robert Schuman Centre., Controlling protest in contemporary, historical and comparative perspective, The policing of mass demonstration in contemporary democracies (Florence: European University Institute, 1997). pp. 15. Waddington points out that institutionalization of protest was not unidirectional. Labour strikes in Britain became more confrontational in the 1980s in Thatcher’s era, and was suppressed by means of harsh policing.

19 It would appear that the policing of Dalits today operates under similar conditions that force confrontation.
Consider, for instance, the riots and police firings in the adjoining towns of Tirunelveli and Thoothukudi, with which I began this chapter. The riots took place on 13 March 1908. However, the interaction between the inhabitants of the towns and the police had commenced at least two weeks earlier, and was to continue for several more months. Since late February, both towns had witnessed heightened political activity. The Congress-led nationalist movement had entered its Extremist phase in Madras Presidency: Bipin Chandra Pal was touring Madras; Subramania Siva, a local nationalist hero had just risen to fame; and V.O. Chidambaram Pillai, another Congress nationalist from the region, was voicing his protest against British monopoly in trade. In a related chain of events, the labour movement had also intensified, partly triggered by the speeches of V.O.C. Pillai and Subramania Siva.

On 27 February, over a thousand workers of a Thoothukudi textile mill went on strike. As soon as the District Magistrate received notice of the strike he sent for extra police protection for the town. The police forces arrived that very afternoon. That same afternoon the District Magistrate also passed an order under Section 144 of the Criminal Procedure Code, 1898 prohibiting public meetings of any sort in Thoothukudi. The use of Sec. 144 was a preemptive move against the escalation of

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20 Congress nationalism is conventionally classified into certain phases: the earliest was the Moderate phase, in which leaders followed strictly constitutional channels to make minimal demands from the British government. The next was the Extremist phase, in evidence during the first decade of the twentieth century. Extremist leaders expanded the popular base of the movement through various ways, including celebration of religious/ patriotic festivals and boycott of English goods. The Extremist phase of Congress nationalism gave way to Gandhian mass nationalism in 1919.
21 Famous Extremist leader of the congress, from Bengal.
22 V.O.C. is known in Tamil nationalist mythology as தமிழக குடியரசு ஆராதனைத் தொடர்புப் பொருள்கள், the Tamilian who sailed a (Swadeshi) ship.
23 Report on the Administration of the Police of the Madras Presidency. 1908 pp. 11
protest in a vibrant political climate which threatened the authority of the colonial government. The next morning when the magistrate toured the town, he decided that it appeared quiet – “even the strikers had not shown any symptoms of being disturbed in their minds.” He therefore rescinded the Sec. 144 order.

Over the next few days, nationalist meetings were held in both Thoothukudi and Tirunelveli towns. Meanwhile, the labour strike, which had lasted almost ten days, ended on 7 March when the management made a few concessions to the workers’ demands regarding wages. On the 8th, V.O.C. Pillai gave a rousing public address condemning the bans imposed on his nationalist activities by his employer, the Swadeshi Steam Navigation Company, at the behest of the colonial government. The next day in Tirunelveli there was to be a procession carrying Bipin Chandra Pal’s portrait. However, in light of the heightened political temper consequent upon V.O.C.’s speech, the magistrate passed an order restraining the procession. A loyalist subject’s account of events a few days later indicates the balancing act performed by the government between allowing subjects’ right to public assembly and suppressing protest. Even though there had been absolutely no display of popular violence at this point and people’s politics had conformed to the idiom of Rightful Dissent, the apprehension that “people might get out of control” appeared reasonable to this writer, as seen below.

It was a matter of some concern to Mr. Wynch (the District Magistrate)… whether a large number of persons should go in procession on that day. It was decided

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24 Statement by Guruswamy Iyer in G.O. 133B, Judicial Disposal, 9 July 1908, TNA.
25 The G.O. doesn’t specify this, but presumably Sec. 144 was used for this too.
that should be stopped, not that there was an objection to a procession as such, but that a large procession like that should not take place at that time when several speeches had been delivered, at a time when reasonable apprehensions were entertained that people might get out of control...

The prohibition on public assembly was only temporary. Public meetings and processions were resumed in both towns on the 10\textsuperscript{th} and 11\textsuperscript{th}: a peaceful procession of 700-1000 people welcomed V.O.C. Pillai to Thoothukudi (from Tirunelveli) on the 10\textsuperscript{th}, shouting “Vande Mataram” as they passed through the streets. In Tirunelveli, small meetings were held in the river-bed, with attendances of 300-500 people.

These meetings proceeded peacefully until the next act of policing. This happened on the 12\textsuperscript{th}, when V.O.C. Pillai was taken into preventive police custody under the security sections of the Criminal Procedure Code.\(^{27}\) It was at this moment that the temper of protest suddenly quickened. On the 13\textsuperscript{th}, the shops in the bazars in both towns were shut; those that didn’t close voluntarily were forced to by nationalist agitators. The mill workers went back on strike. The police made 20-30 preventive arrests in the course of the day. Some prominent residents of Thoothukudi called for a public meeting on the evening of the 13\textsuperscript{th}, to advise people to desist from further meetings until things had settled down.\(^{28}\) Notwithstanding its loyal intentions, the Thoothukudi Divisional Magistrate, Ashe, passed an order restraining the meeting, just

\(^{26}\) Guruswamy Aiyer’s statement, in G.O. 133B, Judicial Disposal, 9 July 1908, TNA.
\(^{27}\) See Chap. 1 for a discussion of the preventive sections of the Criminal Procedure Code, 1898. These sections allowed for preventive action to be taken by the police and magistracy where they feared what was termed “a breach of the peace.”
\(^{28}\) This is the version according to the deputation that met the government later. Since it was not contradicted by the District Magistrate, present at the deputation, it may well have been the case.
before it was scheduled to happen.\(^{29}\) Since people had already begun assembling, he went to the meeting site with his police officers to disperse the people, by use of force. There was a scuffle and the police fired, injuring at least two persons. Meanwhile in Tirunelveli town, the peaceful meetings of the preceding week had given way to a large gathering near the railway station.

The road there is a most congested one. There is a level crossing and at train time there is a block for 20 or 25 minutes, and people get collected very soon easily. There it was, where there are 50 or 60 bazaars, this thing first commenced.\(^{30}\)

The people who had gathered then marched into the town; on the way, students from the local college joined the procession. The procession then, in sequence, attacked four governmental institutions, symbols of state authority: the municipal office (whose records were burnt), the post-office (whose thatched shed was burnt), the police station dispensary, and the munsif’s court.\(^{31}\) By this time, the police (who had been misdirected to the station bazaar) had arrived. They fired, killing four and wounding many more.\(^{32}\) The shootings left both towns stunned and the protests ended overnight.

\(^{29}\) Ashe was later the victim of a famous terrorist attack by nationalists for his role in taking action against V.O.C.

\(^{30}\) Guruswami Aiyar’s statement in G.O. 133B, Judicial Disposal, 9 July 1908, TNA. Though this speaker is emphasizing the impulsive aspect of the riot, rejecting its politics, the systematic progress of the crowd, to symbols of governmental authority suggests otherwise. He also pointed out that the 13\(^{th}\) was the first day of the Tamil month, a factor that contributed to the crowd in the bazar.

\(^{31}\) This choice of spaces to congregate in contrasted with the meeting venue of the past two days i.e. the river bed, a site not suffused with symbols of governmental authority.

\(^{32}\) Report on the Administration of the Police of the Madras Presidency. 1908 pp. 11
The firing on the crowd was not the end of the state’s retaliation against the public outburst. Several participants in the riot were sentenced to various terms of imprisonment. Subramania Siva and V.O.C. Pillai were prosecuted for sedition and sentenced to transportation for six years. And finally, special additional forces, the “punitive police” were stationed in Tirunelveli for six months following the riot, at the end of which term, a permanent addition was made to the armed police reserve of the district.

Arguably, a “riot” had happened, inviting state retaliation to restore order. Yet, the sequence of events leading up to the police firing shows that this was not the first moment of state intervention, necessitated by an impulsive riot. Nor was it the last. Rather popular protest and its policing had shaped each over the course of the preceding fortnight, and would continue to do so after the riot. As will be seen in other cases discussed below, there was a cadence to the policing of public protests in colonial Madras. Often, the tempo of public protest increased in tandem with its policing until the shocking moment of riot and police firing. Equally characteristic was the “perfect quiet” that marked the days after the firing, a forced hibernation of protest.

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33 This was the lowered sentence confirmed by the High Court. The lower court had sentenced Siva and VOC Pillai to ten years and life, respectively. Ibid. 1908 pp. 11.
34 Ibid. 1908 pp 12.
35 Amin points to a policeman’s beating of a nationalist volunteer, Bhagwan Ahir, a few days before the burning of the Chauri Chaura police station, as a significant moment in the events leading up to the riot. Amin, Event, metaphor, memory : Chauri Chaura 1922-1992. To use A.O. Hume’s famed safety valve analogy, the police had failed to provide any safety valve for popular protest.
The chain of events that took place in Tirunelveli and Thoothukudi in February-March 1908 was punctuated by distinct moments of policing. First, the magistracy used Sec. 144 of the Criminal Procedure Code, 1898 to place restrictions on lawful public processions on 27 February and 9 March. Both restrictions were governmental reactions to popular politics, a way of managing the subject population: the first followed a major labour strike and the second a successful nationalist rally. Second, in a preemptive display of state authority, extra, armed police forces were called to provide additional security to the town even before the riot had happened. On the 13th, these police forces were able to use firearms to disperse the public. Finally, the riot was followed by the stationing of additional police forces in the disturbed districts, a visible warning against any further dissent. This course of events was not unusual; rather, the policing of protest in twentieth-century Madras was often marked by the use of Sec. 144, the stationing of additional police forces as a preventive or punitive measure, as well as the more spectacular use of firearms on public gatherings. The following sections of the chapter draw upon legal texts, newspapers, and governmental, judicial, and police records of a number of cases to explore in greater detail each of these policing mechanisms, through which the state first criminalized popular dissent and then used force to subdue it.

Deferring Protest: Sec. 144

Section 144 was part of, and the only section within, Chapter XI of the Criminal Procedure Code, 1898, which was titled “Temporary Orders in Urgent Cases
of Nuisance or Apprehended Danger.”  As the title of the Chapter indicates, Sec. 144 was to be used only in urgent cases, “where immediate prevention or speedy remedy (was) desirable.”  Magistrates (with the aid of the police) often used this provision in situations where they feared that crowds participating in public demonstrations might turn violent, resulting in what they termed “a breach of the peace.” In effect, Sec. 144 helped keep nationalist protest, labour politics, and communal disputes in check.

Section 144 enabled the local magistrate to temporarily circumvent judicial process to pass executive orders. He could “direct any person to abstain from a certain act” if he considered that such direction was likely to prevent, among other things, “a disturbance of the public tranquility, or a riot, or an affray.”  Furthermore, “in cases of emergency,” the magistrate could pass the order ex-parte, i.e. after hearing the case of only one party. Towards preventing misuse of magisterial authority, the section mandated (and legal scholars emphasized) that the deployment of Sec. 144 had to be very specific: it could only be directed against a person or group of persons regarding a certain act, or visiting a particular place.  In addition, the provision, being an

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36 *Code of Criminal Procedure.*
37 Sec. 145, which followed in the next chapter of the Code, titled “Disputes as to Immovable Property” provided guidelines in cases that were not urgent.  Ibid.
38 Sec. 144, ibid.
39 For example, see India., William Fischer Agnew, and Gilbert S. Henderson, The Code of Criminal Procedure, being Act V of 1898 together with rulings, circulars, notifications, etc., of all the high courts in India; and notifications and orders of the Government of India & the local governments, with copious notes, (Calcutta: Thacker, Spink, 1901), http://lawezproxy.syr.edu/login?url=http://www.llmcdigital.org/default.aspx?redir=99550. Of course, this very specificity allowed magistrates to use it in a targeted manner to rein in protest e.g. by preventing the procession carrying Bipin Chandra Pal’s portrait in Tirunelveli, discussed above.
40 This sharply distinguished it from martial law, when all public gatherings were prohibited in a much larger area.
extra-judicial, emergency one, was strictly temporary. An order under Section 144 could not “remain in force for more than two months from the making thereof.”

However, the Section also immediately provided for an escape clause: “unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray.” This exception to the two-month limit was frequently used by magistrates to extend restrictions to public assembly in the face of anticipated disturbances, as in the case described below.

Since the early nineteenth century, communal politics over social precedence had frequently manifested themselves in competition over public spaces, especially the street.\textsuperscript{41} The street was the site of battle over privileges since the colonial government oscillated between its avowed treatment of all communities as equal and its policy to recognize and leave undisturbed customary privileges of some caste groups over others. Following a series of anti-Shanar riots in Tirunelveli in 1899, there was considerable tension between Shanars and other caste groups in the region.\textsuperscript{42} Among other ways, this tension manifested itself in a negotiation between the Konars and Shanars of a village, Karisalkulam, over access to streets.\textsuperscript{43} The Konars, who saw themselves as belonging to a higher caste than the Shanars, petitioned the local


\textsuperscript{42} The Shanars were a low-caste group who took advantage of opportunities available in the late nineteenth century to re-invent themselves as a caste of higher social status, and began to call themselves the Nadars. They embraced education offered by Protestant missions and, abandoning their traditional, ‘unclean’ occupation of toddy-tapping, began practicing trade. Higher castes like Maravars and Konars resented these pretensions, as they saw it, and there were periodic outbursts of anti-Nadar violence till as late as the 1930s.

\textsuperscript{43} Ramnad Collectorate file R Dis. 27/1905, 20 March 1905, DRCM.
magistracy on 25 August 1899 demanding that the Shanars not be allowed to take their wedding or funeral processions through a certain street. The magistrate attempted to determine through a court hearing whether the street was a private one, in which case customary practice would be determined and legalized, or a public one, in which case regardless of custom, he would recognize the rights of Shanars to take their processions through it. All the same [and while he could determine that], three days later he passed a temporary, emergency order under Section 144 of the Criminal Procedure Code, 1898 prohibiting the public from gathering in larger numbers than fifteen within the village limits. This was a preemptive measure justified by the “imminent danger of serious disturbance of public tranquility” if the Shanars did take their wedding and funeral processions through the contended street. The Sec. 144 order automatically shifted the identity of the Shanars and Konars: from simply being caste communities gathered in public spaces to negotiate status, they became “unlawful assemblies.”

In April 1900, the magistrate, after a rather inconclusive judicial process, decided that the street was a public one unless proved otherwise by the Konars; therefore, the Shanars could not be prohibited from using it for their processions. Yet, in the months that followed, restrictions were placed on Shanar processions, since

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44 For a discussion of how customary practices were solidified under colonial rule, see Prior, "Making History: The State's Intervention in Urban Religious Disputes in the North-Western Provinces in the Early Nineteenth Century."

45 A couple of months later, the Konars protested the Shanars’ use of the village pond. This time, the magistrate did pass an order under Section 147, Criminal Procedure Code, 1898, prohibiting the Shanars from using the pond until they established their right to do so in a judicial court.
their attitude in taking processions “was calculated to disturb the peace.” Magistrates and policemen kept watch every time the Shanars took a procession through the disputed street, a punitive police force was stationed in the village, and several members of both communities were bound over to keep the peace. Finally, in October 1900, the magistrate used Section 144, Criminal Procedure Code, 1898 once again, this time to pass an order restraining the Shanars from taking their processions through the street, justifying it by asserting that it was likely to cause a breach of the peace.

The order, which had a maximum validity of two months, was renewed multiple times, all the way from October 1900 through February 1902. By this time, the magistrate was not prepared to renew the order again, for “to do so would be illegal.” He therefore reinterpreted the civil proceedings that had earlier sought to determine whether the street was a private or public one. This time, the magistrate passed an order prohibiting Shanar processions, passing the onus onto the Shanars of proving in court that the street was a public one. The Shanars, who lost the case in court, then petitioned the Madras government, claiming that they had been “deprived of their rights and privileges which as lawful subjects of His Majesty they are entitled to enjoy.” The government, however, declined to intervene since, counter to the petitioners’ claim, “peace and tranquility [did not] now reign in the village.” The executive decision in this case was thus based on the need to maintain order, not on the juridical rights of a community to a public street. Establishing rights was in effect a matter of policing. Colonial subjects’ ability to access and perform politics of

46 The claim, somewhat convolutedly, asked for an injunction against the Konars from obstructing Shanar processions.
community in public spaces was restricted by the possibility of such performance being contested.

Notwithstanding legal declarations of equality of all, establishing subjects’ rights to public spaces was thus often a matter of policing. However, colonial subjects were not simply passive objects of policing; rather communities used Sec. 144 creatively to negotiate their communal status. In Arupukkottai town, conflicts between the Nadars and the Chettiars were often enacted in public arenas in the late 1920s.47

On 6 October 1928, Chettiars attacked a festival procession of Nadars, injuring them and breaking their musical instruments. Over the next couple of days, there were minor affrays between the two groups. On the 10th, “a serious riot broke out in the town,” where both groups attacked each other, burnt houses and destroyed property; in addition, one person was stabbed. On the 12th, the police, apprehending a repetition of the riot the following day (also a festival day), moved the magistrate to prohibit, under Section 144, Nadar processions from passing along Chettiar streets. In March 1929 and September 1930, the police again asked for Section 144 to be applied, restricting Nadars from taking processions on Chettiar streets on the occasion of a couple of contested festivals. Furthermore, police security arrangements were made to prevent a riot. 2 October 1930 marked yet another festival, this one previously undisputed. The police therefore did not deploy Section 144. Yet, as the Nadars reached the end of their procession, which only progressed through their own streets, some Chettiars attacked them with stones and killed one person, ostensibly unprovoked. The Nadars’

47 G.O. 599 ms, Public Police, 25 October 1930, TNA.
explanation for the attack is indicative of the way emergency policing provisions were drawn into negotiations between communities: they alleged that the Chettiers, “finding that every time they caused a disturbance, they gained some ground by way of prohibitive orders being passed against the Nadars in the interests of peace, repeated the same tactics in order that, one by one, the festivals of the Nadars may be prevented by executive orders.”

The tendency to settle communal conflict through policing rather than adjudication was reinforced by the colonial state’s attempts at non-intervention – as David Arnold argues, to “steer an impartial course, upholding, as far as local convention allowed, the right of any community to use the public highway, while dealing with the rioting as a ‘law and order’ problem.” The reluctance to legally intervene in conflicts over ambiguous customary privileges, preferring instead to deal with law and order problems through policing, was displayed by the postcolonial Madras government too. In 1964, Muslims of Krishnapuram hamlet questioned the terms of a compromise agreement they had reached with the caste-Hindu Pillaimars of the neighbouring village, Thambipatti in 1903. For several decades, the Krishnapuram Muslims had used the burial ground in Thambipatti, for which they needed to take their funeral processions through its streets. The agreement from 1903 was a compromise from both parties: Muslims agreed to use the Dalit streets of Thambipatti rather than the high-caste Pillaimar streets; the Pillaimar in turn let the funeral

48 Letter from DSP Ramnad to IGP, dated 5 October 1930, in G.O. 599 ms, Public Police, 25 October 1930, TNA.
49 Arnold, Police power and colonial rule, Madras, 1859-1947. pp. 111
processions go through their village. In 1964, the Muslims cited both constitutional safeguards of equality, and more specifically, the Tamil Nadu Panchayat Act, 1958 which allowed all roads maintained by panchayats to be open to all castes and communities, to demand that they take their processions through the Pillaimar streets. After seeking legal counsel, the Madras Government argued that the 1903 compromise was binding for all time, and refused to intervene in the matter, unless there was a breach of the peace.\textsuperscript{50} “The government are not interested in the matter, except on occasions when there is any likelihood of breach of peace in the village for which action can always be taken by the law enforcement authorities under the general law,” i.e. constitutional rights could not be upheld through the judicial channel, but could be policed when they threatened public order.\textsuperscript{51}

Although termed an emergency provision, the ability to deploy Sec. 144 was not limited particularly carefully. As per the 1898 Code, it could be exercised by a district magistrate, a chief presidency magistrate, a sub divisional magistrate or any other magistrate specially empowered by the local government.\textsuperscript{52} In 1909, the government expanded this group, authorizing deputy tahsildars and submagistrates too to pass orders under Section 144.\textsuperscript{53} In 1918, the District Magistrate of Ramanathapuram suggested to the Government of Madras that the power to pass

\textsuperscript{50} The DM’s opinion on the Razinama was that “It (had) been executed to regulate the relations between people belonging to the two communities for all time to come.” G.O. 356 Public, 17 February 1966, TNA.
\textsuperscript{51} Public Department memorandum, G.O. 356 Public, 17 February 1966, TNA.
\textsuperscript{52} Sec. 144, \textit{Code of Criminal Procedure}.
\textsuperscript{53} Departmental notes, in G.O. 301 mis, Home Judicial 6 February 1918, TNA.
orders under Section 144 be limited to first class magistrates.\textsuperscript{54} He observed that he received numerous appeals against orders passed by lower magistrates whom, he thought, used the provision “improperly or recklessly,” and “in cases where there was no urgency; where there would have been plenty of time for a full enquiry by the magistrate before any order need have been passed.” This reckless use of Sec. 144 was “not in the interests of justice and good administration,” he argued. The Ramanathapuram District Magistrate also challenged governmental fears about the volatility of the public. Contrary to the belief that the public might be more disposed to violence if they knew that most magistrates had lost the power conferred by Sec. 144, he asserted that people in fact engaged in violence when provoked by the sudden passing of ex parte orders. The Madras Government however rejected the Magistrate’s “dangerous” suggestion, asserting that “there must be local authority on the spot” to issue orders under the section, rather than wait to receive orders from the District Magistrate, who might be away at an inconvenient distance.\textsuperscript{55}

Somewhat similar to Sec. 144 of the Criminal Procedure Code, 1898 was Sec. 30 of the Police Act, 1861, which pertained directly to the regulation of public assemblies. Sec. 30 allowed police superintendents to direct the conduct of all assemblies and processions on public roads and to prescribe their routes and timings, “as occasion required.” If the police officer expected a procession or assembly to cause a breach of the peace, he could require its participants to apply to him for a license, wherein he defined “the conditions on which alone such assembly or such

\textsuperscript{54} G.O. 301 mis, Home Judicial 6 February 1918, TNA.
\textsuperscript{55} Emphasis in original.
procession is permitted to take place.” If a procession violated the terms of its license, it would be deemed an unlawful assembly and the police-officer could order it to disperse. Sec. 30, in combination with Sec. 144 of the Criminal Procedure Code, made the politics of crowds an object of finely calibrated policing.

Sec. 30, like Sec. 144 of the Code, criminalized the politics of crowds, at least temporarily. In addition, the need to apply for police licenses to participate publicly in social rituals impacted the mode and frequency of such participation. For instance, in light of tension between Nadars and other castes in Kallurani village, the Government of Madras imposed Sec. 30 of the Police Act, 1861 on the village in 1936. It also ordered that all licenses for processions should compulsorily ask for a police escort, and that the payment for the escort be recovered in advance from the applicants. These fees were not trivial, costing approximately Rs. 40 for a wedding procession and Rs. 400 for a festival procession. Around eight policemen from the regular force were deputed to escort wedding processions (which were presumably smaller affairs), while almost 15 policemen, including several from the reserve police, were deputed for festival processions. While Sec. 30 was, like Sec. 144 of the Criminal Procedure Code, intended to be a temporary restriction, to be imposed only when the police

56 Other examples of the use of Sec. 30: Kalugumalai, Chintamani and Seydunganallur villages of Tirunelveli for at least a couple of years, on account of conflict between Nadars and others in the first two villages and between Muhammadans and others in the third. Report on the Administration of the Police of the Madras Presidency. 1939 pp. 13. It was very probably in force in Chintamani and Seidinganallur all the way through 1945 at least, and in force in Dohnavur, also in Tirunelveli district, in 1945 on account of conflict between Christian and Hindu Nadars. Ibid. 1945 pp. 8.

57 G.O. 4614 ms, Home, 15 November 1937, TNA. The G.O. mentions payment at standard rates; however, the Police Act, 1861 itself specifies that no fee be charged on the application for, or grant of any such license.
feared a breach of the peace, the order was extended every year until as late as 1945 i.e. it was in force in Kallurani village for almost an entire decade.\(^{58}\) In 1939, the District Superintendent of Police observed that “the Nadars (were) minimizing the number of processions on account of the heavy cost… as bandobust fees, and it may be that in course of time that processions will be given up.”\(^{59}\) No procession had been taken out to celebrate the Tiruvadthurai festival in 1938, while another annual festival, which usually lasted seven days, had been curtailed to five. The other castes of the village too had similarly cut down public celebration: except for one marriage procession they had not conducted any other in 1938.

As in the case of communal conflict, the Government of Madras used preventive policing to keep in check labour movements too and forestall public disturbances. In the 1920s - ‘40s, there were several disputes over workers’ wages and hours in the textile mills of Madurai and Tirunelveli districts.\(^{60}\) Interaction between the managers and labourers involved multiple moves and counter-moves including dismissal of employees, lockouts, strikes, indefinite mill closures, and arbitration by governmental committees. During these extended negotiations, the state’s policing machinery was occasionally deployed towards maintaining order and keeping protest

\(^{58}\) G.O. 5677 ms, Home, 30 October 1938, TNA. Report on the Administration of the Police of the Madras Presidency. 1939 pp. 13. Ibid. 1945 pp. 8

\(^{59}\) Bandobust = police security arrangements. Letter from DSP Ramnad to IGP, dt. 14 September in G.O. 5677 ms, Home, 30 October 1938, TNA.

\(^{60}\) Textile was the principal industry witnessing such disputes, but there were also smaller strikes in the Dindukkul cigar factory, the Thoothukudi port, the General Metal Trading Company in Koilpatti, and the Sri Rama Vilas Motor Works in Madura. Madras., "Fortnightly Report for the Madras Presidency." 1920, 1924, 1930, 1936, 1937, 1938, 1939, 1942, 1946.
in check. For instance, magistrates passed preventive orders detaining labour leaders and policemen stood guard at factories, as reported by the Inspector General of Police of Madras Presidency in 1939.

An influential person was responsible for a strike in the Madura Knitting factory. The effective action taken against him and certain strikers and the constant police bandobast provided at the disturbed area prevented the strike from developing to a serious one. The strikes in the Minakshi Mill at Madura were well-handled by the police.

In addition to summoning general police control, magistrates also effectively deployed Sec. 144 of the Criminal Procedure Code, 1898 and Sec. 30 of the Police Act, 1861 to contain labour unrest. For instance in November 1936, an order under Section 144 was passed against Muthuramalinga Thevar, a labour leader from Ramanathapuram, prohibiting him from making speeches that were purportedly agitating workers. Similarly, in July 1939, after 3-4 months of dispute at the Madura Knitting Company, the government passed a Sec. 144 order restraining workers from picketing, in addition to making several preventive arrests. Unsurprisingly, the

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61 For discussion of similar police-labour dynamic in other parts of Madras Presidency, see David Arnold, "Labour Relations in a South Indian Sugar Factory 1937-39," Social Scientist 6, no. 5 (1977). Also, Va Kita and Es Vi Rajaturai, Towards a non-Brahmin millennium : from Iyothee Thass to Periyar  (Calcutta; Mumbai: Samya 1998). In his classic study of the labour movement in Mumbai, Raj Chandavarkar has shown how policing labour in the workspace pushed labour organization to other spaces, such as the neighbourhood. Rajnarayan Chandavarkar, Imperial power and popular politics : class, resistance and the state in India, c. 1850-1950  (Cambridge, UK ; New York: Cambridge University Press, 1998).


63 Muthuramalinga Thevar had a long career in politics that took several turns. See Chapter 5 for a more detailed discussion of Thevar.

64 Madras., "Fortnightly Report for the Madras Presidency." 1936. The order was rescinded when proceedings under Sec. 108 were instituted against Thevar.

65 Ibid. July 1939
government reported that the picketing had “almost completely collapsed” within a couple of weeks.

Even if its desire to maintain order resulted in a general bias against workers, governmental intervention in labour disputes was not always in favour of management.\textsuperscript{66} This was especially true when a franchise (albeit limited) was introduced, as is evident in the events of a long-drawn-out labour dispute that occurred in 1937-38, almost immediately after the first elected Congress government came to power in Madras Presidency.\textsuperscript{67} In the Papanasam Mills in Tirunelveli, there were a series of strikes over wages, involving at various times 6000 and 10,000 workers, from November 1937 onwards. About 4000 workers in mills owned by the same firm in Madurai also went on strike in January 1938. In response, the management closed the mills indefinitely. Even as it acknowledged that the situation was quiet,\textsuperscript{68} the government passed a preemptive order under Section 30 of the Police Act, 1861 requiring licenses to be taken for processions that were related to the strike.\textsuperscript{69} Some liquor shops were also ordered to be closed. Neither the management nor the workers blinked for a couple of more months, until the management finally decided to reopen the mills (without having conceded to any of labour demands) on 1 April, convinced that there was a pool of workers who were willing to return to work. However, several

\textsuperscript{66} Arnold, "Labour Relations in a South Indian Sugar Factory 1937-39." And Chandavarkar, \textit{Imperial power and popular politics: class, resistance and the state in India, c. 1850-1950.} also point to this. In fact, the Madras government for some years consciously follows a non-interventionist policy.

\textsuperscript{67} Elected, however, with a small franchise of 15\% of the adult population.

\textsuperscript{68} January is the harvest season and several workers had left for their villages.

workers expressed their opposition to this move and the government felt that “if the
mills had reopened, it would have necessitated a great increase of police force on duty
in the mill area.” The District Magistrate therefore asked the management to
postpone the opening by a few weeks. In the meantime the wage issue was referred to
a government arbitrator, to no avail. Additionally, the management decided to lay off
2000 workers and reopen on 20 April. The government feared that the more militant
strikers would agitate under these circumstances, and that “the comparatively small
force of police available might be driven to extreme measures to protect the mills and
preserve order.” It considered the option of passing an order under Section 144 of the
Criminal Procedure Code, 1898 against the strikers, but judged that this would only
provoke them to “organised civil disobedience.” Instead it passed an order under Sec.
144, but against the management – staying the opening of the mills by a month. 
Under pressure from the government, the management finally granted some
concessions to its labour force. The Sec. 144 order was then withdrawn and the mills
resumed operation, after almost six months of strike. In this instance, the use of the
Sec. 144 order had arguably served its purpose of preventing a violent confrontation
between the state and labour, while avoiding a structural change in labour relations.

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70 The government were not disposed to supply a police force “since the management had
made no attempt to settle the dispute.” Ibid. March 1938.
71 However, the decision to pass a Sec. 144 order against the mill owners was not unanimous:
Congress ministers implemented it against the advice of the Madras Governor who warned
them against “taking sides in a trade dispute.” In fact the Governor fully expected the mill
owners to appeal at the High Court against the order and have it quashed. IOR/ L/P&J/7/1846, British Library.
The use of Sec. 144 and Sec. 30 continued in the years following India’s independence too. When there was conflict between the management and workers of Meenakshi Mills in Madurai in 1950, the government passed an order under Sec. 144 of the Criminal Procedure Code, 1898 preventing meetings of the mill cooperative stores, fearing a breach of the peace.\textsuperscript{72} The provisions were used also against the Communist party which, having taken up the cause of agrarian and industrial labour in Madras in the 1950s and 1960s, was very unpopular with the Congress-led Madras government. In 1959, the Ramshwaram Sub-Inspector reported that there were “strained feelings” between the Congress party and the Communist party over the results of the local Panchayat elections, and that the Communists were holding processions that could result in a breach of the peace. On the inspector’s advice, the magistrate passed an order under Sec. 144 prohibiting “public meetings, processions and unlawful assemblies” within the limits of the Panchayat Board for a month. The order neatly targeted protests of the political parties: as the magistrate clarified, it would not apply to “religious processions, marriages, funerals, etc.”\textsuperscript{73} The postcolonial Madras government also used Sec. 144 orders extensively during the communal riots that took place in East Ramanathapuram in 1957, to be discussed in the next chapter.

And finally, preventive legal provisions like Sec. 144 and Sec. 30 were useful to rein in the anti-Hindi demonstrations that took place in Tamil Nadu in the 1960s,

\textsuperscript{72} Madras., "Fortnightly Report for the Madras Presidency." April 1950.
\textsuperscript{73} G.O.1202 ms, Public General A, 17 April 1959, TNA.
when the central government considered declaring Hindi as the national language. For instance, on 25 January 1965 about 5000 students gathered at the Rajaji Park in Madurai; two of them burnt copies of the Indian constitution. The students then took a procession towards the Congress office, damaged some property, threw stones, and attacked the local representative. The police used tear gas and their lathis, injuring nine students, and registered cases against several others. In addition, Sec. 30 of the Police Act, 1861 was enforced for a week, prohibiting any more processions.

However, the effectiveness of policing measures to contain protest was more limited in a democratic context than it had been in colonial India. Flouting the Sec. 30 order, about 400 students gathered the next morning, hoisted black flags, and when the police asked them to disperse, threw stones at the policemen. All the same, use of state force had only diminished, not ended: the police used teargas to disperse the gathering, whose identity had been transformed by the imposition of Sec. 30 from a group of protesters to an “unlawful assembly.” The following section examines this process of transformation by which public gatherings, whether violent or not, became unlawful assemblies in legal terminology.

The Unlawful Assembly

The use of the legal term “unlawful assembly” can be understood as part of a larger strategy of colonial rule, whereby the state criminalized political dissent through legal mechanisms. For instance, historians such as Anand Yang and David Arnold

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have demonstrated how the colonial state constituted resistance to its social and political order, which was based on property rights, as criminal. In similar vein, articulation of opposition in public spaces was frequently, although not always, criminalized in a regime of conquest. By declaring a public gathering unlawful, the police could deploy arms on a group of people, without facing punitive legal action.

There were numerous ways in which a public assembly could be declared unlawful in British India. First, people who chose to gather in defiance of orders passed under Sec. 30 of the Police Act, 1861 were considered an unlawful assembly. Sec. 30A of the Police Act, 1861 explicitly stated that if a procession violated the terms of its license granted under Sec. 30, the police-officer could order it to disperse. If the procession did not disperse after this warning, it would be deemed an unlawful assembly.

In practice, resistance to an order passed under Section 144 of the Criminal Procedure Code, 1898 was also deemed unlawful and could invite state ire in the form of police action. In cases where judicial recourse to the concerned issue was unavailable, this often meant that the Sec. 144 order, though a temporary one pending

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75 For a discussion of how criminality was constituted in colonial India, see Yang, *Crime and criminality in British India*. David Arnold counters a popular misconception when he writes that there is no contradiction between the police’s political functions and those pertaining to criminal investigation. Arnold, *Police power and colonial rule, Madras, 1859-1947*, pp. 3.

76 Sec 30 a. 1. Any magistrate or District Superintendent of Police or Assistant District Superintendent of Police or inspector of Police or any police officer in charge of a station may stop any procession which violates the conditions of a license granted under the last foregoing section, and may order it or any assembly, which violates any such conditions, as aforesaid, to disperse. 2. Any procession or assembly which neglects or refuses to obey any order given under the last preceding subsection, shall be deemed to be an unlawful assembly. *The Police Act*. 
due process, brooked no resistance. For instance, when an order under Sec. 144 was passed in cases of communal conflict, the competing parties occasionally approached the judicial courts or the Government of Madras directly to plead their case. Frequently, as in the cases of the Karisalkulam and Aruppukkoattai Nadars discussed earlier, this was a pointless exercise, partly because of the legal ambiguities surrounding the issue, partly because of governmental reluctance to intervene in caste disputes until they became a problem of public order. Sometimes caste groups, especially those that were less powerful, lacked the resources to fight judicial battles. In these circumstances, by passing a Sec. 144 order, the government in effect closed all lawful avenues of popular resistance in cases of conflict. Consider the following case where members of the less dominant Agamudaiyar caste of Villur village attempted to contest the wealthier Chettiars of the village, only to be fired upon by the police because they had defied a Sec. 144 order and turned unlawful.

In July 1903, there was a dispute in Villur village between the Chettiars, who wanted to rebuild a ceremonial gate, and the Agamudaiyars who objected to the construction since it would block a public path used by them. Both groups approached the local magistracy to secure their rights. The magistrate went back and forth on his decision: first he passed an order under Section 144 prohibiting the Chettiars from rebuilding the gate, and asked them to approach a civil court to establish their rights. Two days later, he rescinded this order, instead prohibiting Agamudaiyars from obstructing the construction, and asked them to approach the civil

77 G.O. 56-7 mis, Judicial, 9 January 1904, G.O. 183 ms, Judicial, 28 January 1904, TNA.
court to establish their rights. Accordingly the Chettiars decided to construct the gate but, fearing protest from the Agamudaiyars, sought prior police protection as they commenced the activity. A police force comprising around 15 policemen arrived at the site on the morning of 3 August 1903, when the construction was scheduled to begin. That very morning, some of the Agamudaiyars had petitioned the District Magistrate, seeking a stay on the construction. After submitting the petition, they returned to their village to find the policemen and the Chettiars preparing for the construction. They asked the police inspector, Shanmuganatham Pillai, to wait for the Magistrate’s decision before commencing the construction. The inspector refused, claiming that the Magistrate had sanctioned the construction, and had had the magisterial order proclaimed by beat of tom-tom at the site and in the village. “This had no effect, but rather the reverse, for a large number of Agamudaiyar women came with their water-pots and sat and lay down all over the site of the vadivasal (the gate).”

By sitting down at the construction site, the Agamudaiyar women were challenging the legitimacy of the Sec. 144 order and of police support for the Chettiars. Their challenge was initially non-violent, but possibly turned violent later. In his discussion of the Villur riot, David Arnold writes that “police partisanship in such disputes, as well as long experience of their high-handedness and zulum, often transformed a dispute from a peaceful, if heated altercation into a violent confrontation, and from the defiance of a village elite to an attack on the police.”78 In addition to being part of a process wherein communal identity was defined and access

78 Arnold, Police power and colonial rule, Madras, 1859-1947. pp. 111
to resources negotiated, the “riot” also marked a moment in the negotiation between the state and its subjects over how and where protest could be articulated.

The inspector initially asked the women to clear the place; when they didn’t he pressured them to give their names, threatening them with imprisonment if they didn’t. The women stoutly refused, expressing their opposition to the construction and their willingness to go to jail. The inspector then advanced towards them, breaking their pots with his shoes and the butt end of his carbine. The women abused him and threw mud in the air in protest. At this point, the narrative in the judicial record of the case briefly diverges: the police claimed that the crowd started throwing stones at them and at the Chettiars, while the Agamudaiyars denied this assertion. The inspector warned the Agamudaiyars that they were an unlawful assembly, and that if they did not disperse, he would order the use of firearms. The warning had no effect: the inspector fired; one died, another was injured, “and the riot was quelled.” 71 of the “rioters” were brought up for trial, charges were framed against 65 of them, and 58 found guilty – “a most satisfactory ending of the incident,” according to the annual police report. 81

Apart from violation of Sec. 144 and Sec. 30 orders, a third, and much broader, definition of the unlawful assembly came from the Indian Penal Code, 1860 (henceforth “I.P.C.”). Chapter VIII of the I.P.C. defined an assembly of five or more

79 Up to this point, the narrative is largely similar in both the prosecution and the defence testimonies.
81 Ibid. 1903. Pp. 7. The police inspector, a probationer, was dismissed for misjudging the situation i.e. for not having taken adequate precautionary measures despite prior reports from the village munsif that there would be a riot if the construction were to be commenced.
persons as unlawful if the common object of the persons composing it was “to overawe by criminal force, or show of criminal force” the government or any public servant, to resist the execution of any law, to commit any mischief or criminal trespass or other offence, to take possession of any property, or deprive any person of the enjoyment of a right of way, of which he was in possession, or to compel any person to do what he was not legally bound to do.\(^{82}\) Furthermore, an assembly which was not unlawful when it assembled could subsequently become unlawful. When force was used by any member of an unlawful assembly, all of its members were guilty of rioting.\(^{83}\)

Broad as the scope of the I.P.C. definition was, it was not just those public gatherings that fitted one of the three definitions listed above that could be the objects of police violence. The Criminal Procedure Code, 1898 empowered the police to ask “any assembly of five or more persons likely to cause a disturbance of the public peace” to disperse, and if they didn’t, to use force to disperse them.\(^{84}\) In September 1918, there was indeed a case where the police fired on a peaceful assembly gathered in the premises of the Madurai district court. Like the Tirunelveli protests of 1908, this event too had a long prehistory and took place at a time when both the nationalist agitation, specifically the Home Rule Movement, and the labour movement were in the ascendant in Madurai. There had been labour disputes in the Madurai mills since

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\(^{82}\) Sec. 141, *The Indian Penal Code*, Act XLV of 1860.

\(^{83}\) Sec 146, ibid. It was the sections within Chapter VIII of the IPC that were typically summoned for framing criminal charges against participants in riots as well as those charged with smaller crimes.

\(^{84}\) Sec. 127, *Code of Criminal Procedure*. 
June 1918. J.N. Ramanathan, one of the labour leaders (stigmatized as an “agitator” in governmental correspondence) had been prohibited by magisterial order from making public speeches within ten miles of Madura.\(^{85}\) In addition, the government filed sedition charges against another labour leader, Dr. Varadarajulu Naidu, for his speeches during the strike at the Madura Mills. Dr. Naidu was a popular leader: the Governor of Madras described him in a somewhat self-contradictory phrase as “a rather mischievous agitator, who, though he can hardly be classed as a leader of opinion, has attained considerable notoriety in this presidency.”\(^{86}\) On 30\(^{th}\) August, there was a temporary truce in the labour dispute, with the management offering a 25% rise in the scale of pay. Ten days later, one of the leaders in the strike was dismissed for “misconduct” and over 200 workers struck work for a couple of days demanding his reinstallation.\(^{87}\) Meanwhile, the Home Rule Leaguers were also conducting meetings, some of which expressed their sympathy with Dr. Naidu and tried to collect funds for his defense.

The trial against Dr. Naidu commenced on 26 September. Conducted as it was in an atmosphere of disaffection with government and mill-owners, the trial caught the attention of the local population. The district magisterial and police forces heard rumours, authenticated by “responsible men,” that the shops of those who did not


\(^{86}\) From Lord Pentland to Mr. Montagu, 1 October 1918 in Mss Eur D523/15, British Library.

\(^{87}\) The management clarified that the dismissal “had reference to his behavior on return to work and was entirely unconnected with the part which he had previously played” in the strike. Presumably the mill workers held a different view.
close as a sign of sympathy with Dr. Naidu would be looted. As a precautionary measure, they posted a strong force of constables in various centres across the town, a very visible display of state force. “No disturbance of any sort took place in the town but in the afternoon the court premises… (its verandas, stair cases and compound) were crowded with a vast number of thousands of persons who were quite uncontrollable,” recounted the District Magistrate four days later. A crowd, even when it showed no signs of violence, was perceived as inherently uncontrollable. The magistrate rode around the town and to the court to inspect the crowds, a presence that we can only guess may have been forbidding. He was “greeted with some hoots and shouts of Bande Matram.” Within the court premises, he observed that a large crowd surrounded the District Superintendent of Police, some of whom pelted stones at him. “It was alleged that he (i.e. the D.S.P.) handled the crowd roughly, but he was simply riding through the crowd to get down into the town to see that no disturbance took place.” The police officer and magistrate conferred and telegraphed the Madras Government asking for two hundred troops for ten days, since “riots threatened.”

The military troops arrived the next morning, the second day of the trial, and the magistrate rode around the town once more, this time with the army Major in command. A crowd of a few thousands had gathered in the courthouse premises by the early afternoon, waiting for Dr. Naidu to appear after the day’s proceedings. The estimate of the number of people present varied wildly according to who reported it – a witness at the magisterial inquiry to follow said there were 1500-2000 people present, nationalist Home Rulers claimed there were around 4000, the District Superintendent of Police said there were 7,000-10,000 people present, the Deputy
Inspector General of Police estimated the crowd at 10,000-15,000, while the District Magistrate rather loosely estimated it at 25,000\(^88\) – numbers that seem to reflect the respective speakers’ fear of the crowd. Regardless of its size, witness testimonies were agreed on the fact the crowd, though noisy, was not violent (at least until the bayoneting started). The Deputy Inspector General of Police, describing the “attitude of the crowd” later, recollected that “the crowd was orderly and in hand.”\(^89\)

A contingent of the reserve armed police was standing in line, forming a cordon about fifty yards from the courthouse. When Dr. Naidu appeared, the crowd cheered and came forward to greet him, breaking the cordon in doing so. The police cordon pushed back the people by thrusting out their bayonets and walking outwards. Some people started pelting stones at the police. The police officer issued a preparatory, warning command “Mob-firing,”\(^90\) which one of the constables wrongly interpreted as a command to fire. When he fired, other constables assumed the order to fire had been given and fired for a few seconds before they were commanded to stop.

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\(^88\) Letter from DM to Secretary to Government of Madras Home Department, 9 November 1918. “Although I believe it to be a fact that the constables fired without orders and therefore committed a departmental offence, I would invite the attention of government to the fact that they were only about 30 men against a crowd which some persons estimated at 25,000.” G.O. 2549 Press NP, Home Judicial, 15 November 1918, TNA.

\(^89\) From Deputy IG Southern Range to IGP, 10 October 1918. “… there were about 10,000-15,000 persons assembled in the compound. There are various conflicting stories as to the attitude of the crowd before the court rose for the day, but from what I have been able to sift out the statements, I think I can safely say that beyond a few stones being thrown now and then the crowd was orderly and in hand.” G.O. 2549 Press NP, Home Judicial, 15 November 1918, TNA.

\(^90\) A command to fix bayonets and move closer.
Two persons – one constable, and one young bystander, were killed in this accidental firing.  

There was vociferous condemnation of the Madura incident, which stood apart from other incidents of police firing because the police had fired on a peaceful assembly.  “Every reader of a newspaper would have fairly mastered the facts” of the incident, said one legislator, while debating the issue in the Madras Legislative Council. Several nationalist leaders, civic associations, and newspapers demanded a public inquiry into the firing, in vain. The father of the boy who had been fatally wounded in the firing demanded a judicial investigation against the police. The magistrate however dismissed the demand, citing the provisions in the Criminal Procedure Code, 1898 mentioned above, which protected the policeman from criminal prosecution for firing on any assembly of more than five persons that was likely to disturb the peace, even if it hadn’t been declared unlawful under any act, whether the Police Act, 1861 or the Indian Penal Code, 1861.

He (the petitioner) states that for action to come under this Chapter (Chapter IX of the Criminal Procedure Code, titled “Unlawful Assemblies”) the assembly must

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92 E.g The Hindu of 8 October 1918, in G.O. 2548 mis, Home Judicial, 15 November 1918, TNA. The infamous Jallianwala Bagh massacre was to happen a mere six months later.
93 The Madras Government rejected the demand, and instead ordered the District Magistrate himself to conduct the inquiry. The inquiry concluded that the firing had been accidental and hence acquitted all officers concerned. G.O. 2549 Press NP, Home Judicial, 15 November 1918, TNA.
be an unlawful one. This is not essential: it is sufficient if it is an assembly of more than five persons likely to cause a breach of the peace.\textsuperscript{95}

In the wake of the firing, Ramachandra Rao, a senior administrator, suggested the need for the government to draw different rules for “cases where police are called in to disperse riots and cases where, as in Madura, people are assembled peaceably to witness judicial proceedings or to attend public meetings and the police have merely to maintain order.” Rao also implicitly indicated the specificity of the colonial context to the rules of policing crowds, when he continued to say that, “one is distinct from the other. Some distinction of this kind seems to have been drawn in England with reference to public meetings.”\textsuperscript{96} In the present instance, he argued, the police need not have carried cartridges or buckshot with them since he did not see “anywhere in the record anything which gave any apprehension to the police of some big disorder in the compound.” The just measure of violence required to manage the crowd was a point of concern for the District Magistrate too: “it is… sufficient to justify the use of force... if the crowd conducts itself in such a manner as to show a determination not to disperse. Whether excessive force was used is not for decision at this stage.”

But what was the amount of force that could justifiably be used against a crowd? Nasser Hussain points out that in cases of colonial martial law and responses to domestic unrest in Britain, “an impossible demand for a precision of force regulates the authority.”\textsuperscript{97} Colonial legislation in British India manifested similar vagueness in

\textsuperscript{95} Proceedings of the DM of Madura, C.C. No 1, 23 October 1918, in G.O. 2549 Press NP, Home Judicial, 15 November 1918, TNA.
\textsuperscript{96} R Rao, Madras Legislative Council debate, pp. 208 in G.O. 238 mis, Home Judicial, 31 January 1919, TNA.
\textsuperscript{97} Hussain, \textit{The jurisprudence of emergency : colonialism and the rule of law}. pp. 106.
dictating the legitimate measure of state force that could be deployed to handle unlawful assemblies. Chapter IX of the Criminal Procedure Code provided the guidelines for the state to deal with unlawful assemblies. First, the magistrate or police officer was to command the unlawful assembly to disperse, “and it shall thereupon be the duty of the members of such assembly to disperse accordingly.” 98 If the assembly did not disperse, the officer could use “civil force” to disperse it i.e. police force without calling the army. 99 If this didn’t work either, the magistrate could “cause it to be dispersed by military force.” 100 However, the military were to use “as little force and do as little injury to person and property, as may be consistent with dispersing the assembly.” 101 Finally no magistrate or police officer acting in good faith under these provisions could be deemed to have committed an offence. 102

Though the Criminal Procedure Code itself did not delineate what it meant by “civic force,” executive orders of the government supplemented the legal code to clarify the meaning and extent of permissible force. 103 These were incorporated in the Police Standing Orders which declared that the police officer should first attempt to disperse the unlawful assembly with *lathis*. 104 If this failed, they could resort to the use of fire-arms, after issuing a clear warning. No more shots were to be fired than

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98 Sec 127, *Code of Criminal Procedure*.
99 Sec 128, ibid.
100 Sec 129, ibid.
101 Sec 130, ibid.
102 Sec 132, ibid.
103 G.O. 1472, Public, 17 September 1960, TNA summarises these instructions as those that pertained until 1956, but doesn’t say when they were instituted.
104 Wooden staves
were absolutely necessary, and firing had to cease as soon as rioters showed signs of dispersal.\textsuperscript{105} Firing was to be directed at the thickest part of the crowd.\textsuperscript{106}

While these rules would suggest that policemen typically carried arms, this was not the case. In reality, the very fact that armed policemen were usually present at a public gathering indicates that the state perceived crowds as a threat to order. In the memorandum appointing the First Police Commission of 1861, the Government of India clarified that “all duties of Police are of a civil character... the Police should be no stronger than is needed for purely Police purposes, and... they should not be maintained in time of peace at a strength which can only be needed in time of rebellion or invasion”\textsuperscript{107} This conception of a “civil police” resulted in the formation of a force that a) was fairly limited in numbers, and b) ordinarily did not carry or possess arms. Yet, the structure of the police allowed for these limitations to be circumvented during public gatherings i.e. when a disturbance was anticipated, so that extra policemen were deployed and their supply of arms was increased.\textsuperscript{108} The exact

\textsuperscript{105} G.O. 1472 Public 17 September1960, TNA
\textsuperscript{106} In 1957 the Indian government considered amending police manual rules, which until then, required the police to fire at the chest, so that “[an unruly mob] might know that if they did not run away, there would be serious or grave danger to their lives.” \textit{Indian Express}, September 1957, pp. 4. Ostensibly, these instructions were intended to achieve restoration of order with the least use of force. Yet, police and military force was deployed on crowds not simply to disperse them, but also, as Hussain and Arnold argue, to teach them “a moral lesson.” Hussain, \textit{The jurisprudence of emergency : colonialism and the rule of law}. \textit{Arnold, Police power and colonial rule, Madras, 1859-1947.}
\textsuperscript{107} Appendix I-A, Government Resolution Appointing the Police Commission: Memorandum, pp. 117 in Hari Rao, \textit{The Indian Police Act (Act V of 1861) and the Indian Police Act (III of 1888) and the Police (Incitement to Disaffection) Act (XXII of 1922) : with commentaries and notes of case-law thereon.}
\textsuperscript{108} “… that the police should be thoroughly trained in the use of their arms as well as other branches of drill exercise, but the police should never carry their arms except in the performance of any duty in which the carrying of their arms is prescribed.” Sec. 53 of the Propositions Unanimously Recorded by the Commission, in ibid.
arms borne by the police were to depend on local need, and range from truncheons for “a generally peaceful and unarmed population” to muskets and bayonets “where there is a chance of their often having to deal with armed or desperate men.”\(^{109}\) Every station had a supply of firearms and sidearms, which the police were to take out when conditions demanded it.\(^{110}\) In addition, armed reserves were to be maintained at the headquarters of each police district, “to be available against sudden local outbreaks.”\(^{111}\) These were “police reserved for special emergent duty… necessitated by the principle that it is the function of an efficient police, not only to prevent and detect crime, but also to secure the peace and tranquility of the country. The numbers, organization and equipment of the force must, therefore, be such as will enable it to deal both promptly and effectually with tumults and local disturbances without the aid of the military arm.”\(^{112}\) In addition to the regular force and armed reserves, the government could, “in case of emergency… bring the police force of one presidency to bear upon the scene of a disturbance in another presidency.”\(^{113}\)

\(^{110}\) Secs. 54, 56 of the Propositions Unanimously Recorded by the Commission, in ibid. As per the 1861 commission’s recommendations, in the ratio of two swords and one carbine to every two constables.
\(^{111}\) Appendix I-A, Government Resolution Appointing the Police Commission: Memorandum, pp. 117 in ibid.
\(^{113}\) Speech of Mr. Peile in introducing the bill, in Hari Rao, *The Indian Police Act (Act V of 1861) and the Indian Police Act (III of 1888) and the Police (Incitement to Disaffection) Act (XXII of 1922) : with commentaries and notes of case-law thereon*. This change was enabled by an 1888 amendment to the Police Act, 1861. The length of railway lines open to public traffic had increased from 1588 miles in 1861 to 13,867 miles in 1887, making the amendment necessary and possible. “The immediate cause of this legislation was the serious riots in Salem which also incidentally exposed the weakness of the police establishment in the absence of an
The structure of the police force thus allowed for a ramping up of police numbers as well as the arms they wielded. The police typically used these provisions on occasions of public gatherings, in anticipation of riots. For example, members of the armed reserve police were sent to Villur village on the day when the Chettiar
to build the ceremonial gate (1903) and, as we saw earlier, did put their arms to use. Likewise, the armed reserves were called to Bodinayakanur where nationalist
crowds were picketing liquor stores during the Civil Disobedience movement, in August 1930.\textsuperscript{114} On the first day of picketing, about 400 people were gathered, and the police arrested three volunteers. The armed forces stayed on duty even though “there was no demonstration or sign of hostility towards the police.” The next day, the police arrested three more volunteers; there was a crowd of about 200 people, “but there was no demonstration or evidence of any hostile attitude towards the police.” Nevertheless, the armed forces stayed put. A couple of hours later, the picketing resumed; the armed police were taking three more arrestees to the station, when “the crowd developed into an unruly mob which tried to rush the police party.” The police charged with their \textit{lathis}, the people threw stones at them, and the police fired on the crowd: two persons died and several were injured.\textsuperscript{115} Reporting on the incident the next day, the I.G.P. seemed unsurprised by the course of events: “where picketing continues to be permitted and crowds are allowed to assemble such affairs will be

\textsuperscript{114} G.O. 462 ms, Public Police, 18 August 1930, TNA.
\textsuperscript{115} The actual encounter was rather prolonged, and involved considerable movement of the police party as well as the nationalists.
liable to occur.”  

Occasionally, in addition to the armed police, military troops were also summoned in anticipation of public disturbances, as happened during Dr. Naidu’s trial in 1918, and the Nadar-Maravar riots in Kamudi in September 1918.  

The use of police force on public gatherings continued after independence too. Partha Chatterjee writes that independent India retained “in a virtually unaltered form the basic structure of the civil service, the police administration, the judicial system, including the codes of civil and criminal law, and the armed forces as they existed in the colonial period.” In line with that, the legislations governing use of force on public gatherings i.e. Secs. 127-132 of the Criminal Procedure Code, 1898, and Chap. VIII of the I.P.C. continued to be valid in independent India. Several policing practices, as laid out in the Police Standing Orders, also continued unchanged with independence. The armed reserves also continued to be deployed in anticipation of riots. Yet, there were some important changes to the policing of crowds in independent India.  

While police firings on public assemblies by no means came to an end in 1947, instances of firing provoked angrier responses from postcolonial citizens.  

Concomitantly, they were unquestionably a cause for concern for the national and

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116 Letter from IGP to Chief Secretary to Government of Madras, 8 August, in G.O. 462 ms, Public Police, 18 August 1930, TNA.  
117 G.O. 2550, Home Judicial, 15 November 1918, TNA.  
118 Chatterjee, The nation and its fragments : Colonial and postcolonial histories. pp. 204.  
state governments. For instance a police officers’ conference held in 1960 reiterated concern “over the frequency with which the police have had to resort to fire-arms for quelling riots,” and discussed ways to minimize firing on the public without foregoing the goal of maintaining order.\textsuperscript{120} As part of this effort, the .303 rifles which were used to disperse unlawful assemblies were phased out in favour of the .410 muskets, which were considered less lethal, in the 1950s and ‘60s.\textsuperscript{121} The more effective change was the introduction of tear gas. After independence, tear gas began to be used as a preliminary step before firing on gatherings, in an attempt to reduce fatalities.\textsuperscript{122} As early as 1946, police used tear gas and then firearms during a clash between anti-caste activists and caste-Hindus in Madurai.\textsuperscript{123} All the same, two persons were killed and one injured as a result of police firing in this instance. In 1947, the armed police reserve, when called in to disperse a crowd during communal disturbances in north Madurai, “successfully” used tear-smoke without any casualties.\textsuperscript{124} Likewise, the annual police report of 1948 noted the successful use of tear gas to disperse labour strikes in Madurai and Tirunelveli.\textsuperscript{125} Correcting the long-standing practice of first using \textit{lathis} to disperse crowds, the 1960 police conference advised policemen to use tear gas as the first step to disperse mobs, before progressing to the \textit{lathi} charge and

\begin{footnotesize}
\begin{enumerate}
  \item G.O. 1472, Public, 17 September 1960, TNA
  \item Ibid.
  \item Raj Chandavarkar mentions the colonial government’s reluctance to use tear gas during policing of labour strikes in the 1920s and ‘30s in Mumbai. Chandavarkar, \textit{Imperial power and popular politics : class, resistance and the state in India, c. 1850-1950}. 1946 p.8.
  \item Ibid. 1947 p. 5. The use of the term “successfully” in the report suggests that the use of tear gas was as important an aspect of this report as the putting down of a communal disturbance, and that it may have been among the earlier instances of such use.
  \item Ibid. 1948 p. 5.
\end{enumerate}
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the use of firearms. The change was incorporated into the Police Standing Orders too, which cautioned policemen to always carry an adequate supply of tear gas during riot-control.

The postcolonial state’s ability to use police force on crowds depended in part on the class constitution of the crowd. Labour, in particular, was a relatively easy object of police firing. For instance, police officers reported in 1947 that

Under the Communist direction there were several strikes over the question of increased wages and better living conditions. The Communist programme of deliberately fomenting industrial unrest also led to various violent clashes. In a few instances, the situation necessitated the opening of fire on the rioters.

Likewise, in 1948 the police complained about agricultural workers in several villages in Ramanathapuram district who had struck work demanding higher wages “at the instigation of Communists,” and stationed the armed police reserve in these areas during the harvest to curb the protest. The Communist threat appeared especially magnified to the new government in its early years, as it struggled to establish stability. Yet, cases of firing on subaltern crowds continued even in the 1970s. In November 1971, policemen fired on a 500-strong crowd that had gathered outside the station-house following the custodial death of a burglar, killing two persons and

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126 An additional provision to use water at high pressure in madras city and municipal towns was also incorporated. G.O. 1472, Public, 17 September 1960, TNA
127 “There should be adequate tear-gas squad in every police organization and there should be a frequent change of tear-gas shells. Police parties dealing with mobs should wear steel helmets and tear-gas squads, anti-gas respirators.” G.O. 1472, Public, 17 September 1960, TNA
129 Ibid. 1948 p. 5.
injuring nine. In 1971, there was a conflict in coastal Tirunelveli between fishermen and owners of newly mechanized boats which had begun to erode their earnings. Talks held between the disputing parties were unfruitful. The next year, in anticipation of trouble, the government posted two sections of the armed reserve police in the area from 9 October onwards, the beginning of the fishing season. The stationing of forces only pushed the conflict seaward. In the early hours of 12 October 1972, the fishermen threw country-bombs on the mechanized boats, destroying property worth about Rs. 3 lakhs. Police fired on the protestors, injuring some of them. In the inquiry into the firing, the policemen successfully defended their direct resort to firing, explaining that neither a lathi charge nor the use of tear-gas was possible since the “rioting” happened at sea and wind conditions were not favourable.

In contrast to their approach to handling labour disturbances, the police found it hard to justify use of violence on student agitators, “because the children of a large cross-section of the population are involved in these agitations and naturally parents do not like their children to be roughly handled by the Police even when the former are guilty.” Dealing sensitively with student protestors while maintaining public order became a germane issue during the anti-Hindi movement of the 1960s. In 1967, responding to public criticism on this matter, the Inspector-General of Police for Tamil Nadu distributed copies of a book written by a retired police officer with advice to policeman on managing unlawful assemblies – specifically student unrests. The I.G.P.

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130 Ibid. 1972.
131 G.O. 1434 ms, Public, 27 April 1974, TNA.
132 The fishermen were admitted in the hospital and then arrested.
quoted pertinent excerpts from the book in his circular, excerpts which highlight the
new limits placed on legitimate state violence that could be exercised in the
democratic nation.

Even when students violate all cannons of good behaviour, and indulge in
widespread violence and disorder and destruction of property completely unconnected
with their original grievance – real or imaginary – any action against the students,
particularly involving the application of force, brings down the wrath and criticism of
the entire public on the authority… Patience and forbearance, therefore, should be the
key-note in the handling of any student disturbances. Use of force against students
should not be contemplated even when legally justified. Even attacks against public
property, should rather be suffered than prevented by the use of force.133

The policing of protest did not end at the moment of police violence on
crowds. The final section of the chapter examines how the state shaped popular protest
in the aftermath of a riot, in colonial and postcolonial Madras.

**After the Riot: “Perfect Quiet”**

Police firing usually brought protest to a grinding halt. For example, following
the Tirunelveli shooting of 1908, an inhabitant of the town stated that “after the mob
was dispersed some of us went into the town and we saw that people had become
sufficiently stunned and they were not likely to create a disturbance… Since the
incident both towns have been quiet. There is no feeling at all in the people; no feeling
of unrest which is likely to explode into an outburst or disturbance.”134 Another

133 Emphasis in the original. The book was *Civil Disturbances* by B.N. Mullick, Inspector of
Police and former director of the Intelligence Bureau, and published by the Indian
134 Statement by Guruswamy Iyer in G.O. 133B, Judicial Disposal, 9 July 1908, TNA.
commentator noted that “notwithstanding that they were (sic) dead bodies which were not removed and notwithstanding that there was no constable the whole town was quiet.”\textsuperscript{135} The district police superintendent’s report, written the day after the Bodinayakanur firing on Congress nationalists in 1930, concluded “with the gratifying information that the situation was then quiet and was apparently not likely again to become serious.”\textsuperscript{136} Following the Nadar-Maravar Kamudi riots of 1918, the District Magistrate described the police reprisal and consequent scene of desolation in the affected villages:

The method generally adopted was to take out a sufficient force and surround any Marava village which was known to be the residence of men who had taken part in any reported offence. This had to be done at night, for no men were to be found in the villages in daylight; and in some cases, the villages were found empty even at night… The moral effect of these nocturnal raids was more important than the arrests effected by them… It may now be said that the trouble is over.\textsuperscript{137}

The perfect quiet that typically followed riots can be interpreted as colonial subjects’ response to state violence rather than as a sign of passivity or lack of political consciousness. However, police and government officers read the silence as an indicator of the impulsive aspect of the riot, to suggest that the riot had not been political, but merely the action of a few rowdies. For instance, on the morning after the firing in the Madura court premises in September 1918, the District Magistrate

\textsuperscript{135} Ramakrishna Aiyar’s statement in G.O. 133B, Judicial Disposal, 9 July 1908, TNA.
\textsuperscript{136} Letter from Madurai District Magistrate to Chief Secretary to Government of Madras, 9 August, in G.O. 462 ms, Public Police, 18 August 1930, TNA. Emphasis mine.
\textsuperscript{137} Letter from Ramnad DM to Government of Madras Home Department, dated 1 November, in G.O. 2550, Home Judicial, 15 November 1918, TNA.
rode round the town… and found the town absolutely quiet. A great majority of the crowds are not interested in the case in any way. Unfortunately the weavers have little work to do owing to the high prices of the yarn, and they told me of this when I was leading them away. They said they came to it as a sort of tamasha.\textsuperscript{138}

Denying the politics of crowd participation was not the preserve of government alone; the judiciary also participated in it. In 1903, criminal charges were filed against the Agamudaiyars of Villur village who had protested against the Chettiars’ gateway construction. In addition to labeling the protest as crime, the judge dismissed the possibility that the women who participated in the protest may have displayed any agency. He wrote:

\begin{quote}
A large number are women who obstructed the police at the vadivasal. Undoubtedly they were members of the unlawful assembly, they obstructed the police in their duty, they abused them, and threw stones and mud. I am however disposed to believe that they were instigated thereto by their husbands and brothers and I am not inclined to treat them too severely.\textsuperscript{139}
\end{quote}

Admittedly, some people may have joined protests to be part of a public gathering, rather than because they were agitating for a cause. For instance, Periyanam Chetti, a groundnut seller, who was among the group gathered in the Madura court compound in September 1918, on the day of the police shooting, said in his deposition,

\begin{quote}
I never used to go away (from his site of work) but I went on that day unfortunately. I saw large number going, so I followed. I was near the banyan tree in
\end{quote}

\textsuperscript{138} Letter from Madura DM to Government of Madras, 28 September, in G.O. 2549 Press NP, Home Judicial, 15 November 1918, TNA. Tamasha = fun.
\textsuperscript{139} Sessions Judgment in G.O. 56-7 mis, Judicial, 9 January 1904, TNA.
the compound. Guns were fired, people ran away I also ran. I received a shot in my forearm (shows a small mark on his arm). I did not work for 20 days.

Even so, attributing public gatherings to the work of mischief workers ignored the participation of those who were voicing a political opinion. In addition, it ignored the forms of political participation engendered by casual gatherings of people in public spaces, or how the politics of a crowd could transform over the course of a protest. For instance, in the days preceding the Tirunelveli riots of 1908, political speeches were addressed to relatively small audiences of around 300-500, which assembled in the river-bed, a site that did not symbolize colonial authority. On the day of the riot itself, which was the first day of the Tamil month, the crowd first gathered in the market, near the railway station. Elite observers cited these three factors (i.e. that it was an auspicious day, people needed to shop, and the trains’ schedule forced a gathering of people) to argue that the assembly was incidental and that the crowd lacked political purpose. However, the fact that the people proceeded from the market to systematically attack four governmental institutions suggests otherwise.  

Apart from dismissing the politics of riots, the colonial state also criminalized it. The victims of police firings were termed “rioters” and criminal charges filed against them. For instance, in the Villur riot, charges were framed against 65 people who had participated in the protests, of whom 58 were found guilty. In a 1909 riot between Muslim Labbais and Padayachis of Nambutalai village that involved arson,

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141 For a graphic discussion of the judicial onslaught following the riot, see Amin, Event, metaphor, memory : Chauri Chaura 1922-1992.
14 persons were charged and 11 convicted to sentences ranging from transportation for life to two years’ Rigorous Imprisonment.\textsuperscript{142} In a 1910 riot between Paravar Christians and Muslim Labbais of Pottalpudur village over the construction of a church, the police fired on the protesting Labbais, injuring three men. 26 Labbais were prosecuted in court, of whom nine were convicted, each to three months’ Rigorous Imprisonment. In a conflict between Hindu and Christian Pallars of Elayarsandendal that same year, 28 persons were prosecuted and 19 convicted.\textsuperscript{143} In 1931, police fired on a riot between Nadars and caste-Hindus during a procession in Chintamani village, killing five rioters and injuring seven. Charges were filed against more than 40 rioters.\textsuperscript{144} In 1934, tenants of the Sivaganga Zamindari protested against police support in executing distraint warrants against them. Police opened fire on the “mob” and “successfully prosecuted… the rioters.”\textsuperscript{145} And so on, the list continues.

Criminal prosecution of protesting crowds continued after 1947, although possibly not with the same frequency as in the colonial period. In 1960, Dalits of Pannankulam village protested against the execution of court orders to remove paddy “by pushing their women to the front and themselves remaining at the back; stones were pelted at the police from the crowd causing simple and minor injuries.”\textsuperscript{146} The police could not order a lathi charge since some of the women were pregnant and some had their children with them, but 61 Dalits were convicted of rioting and assault.

\textsuperscript{142} Report on the Administration of the Police of the Madras Presidency. 1909 pp. 15-16.
\textsuperscript{143} Ibid. 1910 pp. 16
\textsuperscript{144} Ibid. 1931 pp 20
\textsuperscript{145} Ibid. 1934 pp. 13
\textsuperscript{146} Ibid.1960 pp. 5.
In 1972, seventeen fishermen who threw country bombs at mechanized boats were arrested after the incident, five of them taken directly from the government hospital where they had been admitted with bullet injuries after the police fired on them, to the police station to be charged.\footnote{G.O. 1434 ms, Public (CRB), 27 April 1974, TNA.}

The policing of public protest thus did not stop at the moment of violence. Both police violence at the moment of riot and the judicial reprisal that followed served to curb protest in the immediate aftermath of the riot. In addition to these measures, riots were frequently followed by the stationing of additional police forces in the disturbed regions. Sec 15 of the Police Act, 1861 authorized the state government to declare any area under its authority “to be in a disturbed or dangerous state” and quarter additional police forces in that area for a specified time period.\footnote{The Police Act. Sec 15, as stated above, was the result of an 1895 amendment to the 1861 Act.}

The cost of such additional police was to be borne by the inhabitants of the disturbed area, through a tax levy.

Stationing additional police forces in an area that had witnessed a public protest was at once a precautionary and a punitive policing measure. It was punitive partly because the inhabitants of the affected area would bear the cost of the additional police, a cost that almost punished the participants, victims, and by-standers (and sometimes those barely involved) in public disturbances.\footnote{E.g. “The \textit{Swadesamitran}, of the 5\textsuperscript{th} January, referring to a memorial to be submitted to Government by the inhabitants of Kadayanallur in the Tinnevelly district, for exempting them from the Punitive Police tax, on the ground that no disturbance occurred in their village in the recent Shanar-Maravar riots, and that they are too poor to pay the taxes, hopes that the}
police and governmental records, public petitions, and newspapers inevitably referred
to the additional police as the “punitive police,” though the term is not mentioned in
the legislation itself. For instance, following the anti-Shanar riots of 1899, punitive
police forces were stationed in several parts of Tirunelveli and Madurai districts. As
many as 50 constables, three head constables, and an Inspector were stationed at
Virudupatti, at the cost of Rs. 800 per month, recovered from the inhabitants of the
area. Quarters were built for the European officers of the special police at
Aruppukkottai at a cost around Rs. 5000. A couple of years after the stationing of
the forces, the District Magistrate asked that they be disbanded from Tirumangalam
Taluk, since it had been “but slightly affected by anti-Shanar disturbances, and… for
such disturbances as did occur the people have been sufficiently punished by the
payment of tax up to date.” The government, however, rejected the suggestion, and
declared that “the burden imposed by the additional police tax should be withdrawn as
soon as it has effected its objects, as a punitive or a preventive measure.” In 1910,
villagers of Nambuthalai cited their extreme poverty to petition the government for
exemption from the punitive police tax that had been slapped on them following

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150 Government will be merciful to them and relieve them of their burden.” Government of
Madras., "Native Newspaper Report for the Madras Presidency." 1900
151 Ibid. 1900
152 Ibid.1900, G.O. 2373 W, PWD (R&B), 9 September 1901. G.O. 2705-06 W, PWD (B&R),
6 October 1902, TNA estimated a cost of Rs.12,495 for the quarters for the special police at
Aruppukkottai and Kamudi.
153 G.O. 2113 PWD 6 August 1900, TNA. G.O. 1185 Press, Judicial 5 August 1901. The IGP
suggested employing 1 inspector, 5 head constables and 64 constables at Rs. 876 p.m.
Government approved 50 constables plus officers at an unspecified cost.
154 The government based its decision on the IGP’s opinion that 22 of the villages where there
had been disturbances should continue to pay the tax. G.O. 389 P, Judicial, 17 March 1903,
TNA.
disturbances between the Muslims and the fishermen community of the village. The Madras Government’s response was terse: “Yes, the petition may be rejected,” it said. “The Muhammadan inhabitants of Nambuthalai have only got what they deserved.”

Additional police forces were punitive also because they were a starkly visible and aural reminder of coercive state authority. Equally, they were a warning against further protests: as David Arnold writes, “an occasional demonstration of force of this kind (was believed to have) a very great effect in discouraging disorder.” Arguing against the need for punitive policing following the Tirunelveli firing of 1908, a loyalist inhabitant of the town claimed that the additional police which had been brought in a few days earlier would be able to maintain the quiet which had been restored “merely by their presence.” Writing in the 1970s, H.H. Carleston, a retired civil servant, recalled his years spent in Sivakasi, which had been one of the centres of the Nadar-Maravar communal disturbances. His memoirs indicate how police authority blended into the sounds and sights of the town to become a part of everyday life. “From my house,” he wrote, “I could hear every day the bugles of the reserve police, and first thing on Easter day the hymns of the midnight mass at the little church.” The use of the special armed police during disturbances continued after

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155 G.O. 830 ms, Judicial, 1 June 1910, TNA.
156 Arnold writes of military troops and, in their absence, armed police troops, which performed a similar function in the aftermath of riots. After a Mappila outbreak in Malabar in 1896, the DSP proposed the establishment of armed police posts which would be “an outward and visible sign of the long arm of the Sirkar.” Arnold, Police power and colonial rule, Madras, 1859-1947. pp. 120.
157 Ibid. pp. 120.
158 G.O. 133B, Judicial Disposal, 9 July 1908, TNA.
1947 too. Following the communal riots of East Ramanathapuram in September 1957, four companies of the special police were stationed in the district. One full year later, V.K. Ramaswamy Mudaliar, a Member of the Legislative Assembly questioned the government on the continued presence of the forces, and as to whether they were “still committing harassment and striking terror in the minds of the people.”

Additional police forces were intended to be stationed in disturbed areas only for a limited time period. However, Sec. 15 of the Police Act, 1861 did not specify a time limit for its application. Moreover, the government could extend the force’s stay in the disturbed area “for a further period or periods as the State Government may, in each case, think fit to direct.” In practice, Sec. 15 was used fairly often; typically the additional police were initially stationed for 1-3 years, with at least a couple of annual extensions. For instance, while some of the forces stationed in the wake of the 1899 anti-Shanar riots were disbanded within a few years, others were retained for several years after the riots. In 1902, the government claimed that though the ill-feeling against the Shanars was not as intense as it had been three years earlier, it

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160 G.O. 3002 ms, Home, 28 October 1958, TNA.
161 The Police Act.
162 Special forces at Koilpatti and Surandai in Tirunelveli were disbanded in 1904. Report on the Administration of the Police of the Madras Presidency. 1904 pp. 24
163 The punitive police force stationed in Kamudi after the 1918 riots were retained at least until 1921. Ibid. 1921. Pp. 32. The temporary force of 24 constables stationed in Srivaikuntam in 1901, initially for 3 years, was extended at least twice, to stay until 1906. G.O. 1711, Judicial, 30 October 1905, TNA. Additional police stationed in Arupukkottai, Ramnad district in 1931 on account of Nadar-Chetty disputes were retained at least until 1934. Ibid. 1932 pp. 15. Ibid. 1934 pp. 2.
could not recommend any reduction of the special police force in Tirunelveli district.\textsuperscript{164}

Sometimes the necessity of a special force for extended periods was used to justify the establishment of a permanent police outpost in the area. For example, the special force of 50 stationed in Madurai on 5 November 1900 was retained for an entire decade, until 1 April 1909, through numerous executive orders.\textsuperscript{165} It was finally disbanded in 1909, only because the district police was being reorganized then, and the number of policemen at Kamudi police station was permanently increased. Furthermore, an addition of one sergeant, two head constables and twenty five constables was made to the Madura reserve for duty at Kamudi “on occasion of any local excitement or festivals.”\textsuperscript{166} The special police forces sanctioned in Nanguneri and Palamcottah had been absorbed in the regular force by 1910, “as there (was) no prospect of their abolition.”\textsuperscript{167} Likewise, although the Elayangudi special police force of 10 constables, stationed following a 1901 riot between the Hindus and Labbai Muslims of the village, was abolished in 1904, the police suggested the addition of two permanent constables and extra carbines to the Elayangudi police station.\textsuperscript{168} Emergency police forces had become a permanent presence in these villages.\textsuperscript{169}

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\textsuperscript{164} G.O. 1459-60 P, Judicial, 26 September 1902, TNA.
\textsuperscript{165} G.O. 704, 18 May 1900; G.O. 1551, 25 October 1900; G.O. 1828, 19 November 1901; G.O. 728, 22 May 1903; G.O. 669, 28 April 1905; G.O. 442, 7 March 1907; G.O. 450, 19 March 1908 – all mentioned in G.O. 2550, Home Judicial, 15 November 1918, TNA.
\textsuperscript{166} Notes to G.O. 2550, Home Judicial, 15 November 1918, TNA.
\textsuperscript{167} 1257W, PWD (B&R), 14 November 1910, TNA.
\textsuperscript{168} G.O. 492 ms, Judicial, 19 March 1904, TNA, par 1901 p. 7
\textsuperscript{169} Likewise, in 1932 the IGP, Madras Presidency argued for a substantial permanent increase to the armed police of the Madura district, based on the fact that Madura city had required the
\end{flushright}
By stationing armed, additional police forces for extended periods in areas that had witnessed protest, the colonial government was using policing as not merely a punitive response to violent protest, but also as a precautionary measure that would forestall future attempts at public assembly – whether violent or non-violent. In a sense, it brought the policing of public assembly full circle back to the use of preemptive measures such as Sec. 144 of the Criminal Procedure Code, 1898.

**Conclusion**

Colonial subjects and postcolonial citizens of twentieth-century Madras Presidency expressed their politics on a range of issues in public spaces. Labourers looking for a raise, Congress nationalists and anti-Hindi advocates, caste and religious communities seeking equal access to roads – all of these actors used constitutionally sanctioned forms of politics such as public meetings and processions to voice their demands. Constitutional as these public gatherings were, the state perceived them as “crowds” – apolitical, prone to violence, and a peril to public order. This was especially the case with the colonial state, whose stability was threatened by increased political participation among its subjects.

This chapter demonstrated the extent to which the state, through its local magistracy and police, kept its finger on the pulse of popular politics. Not only did the state monitor politics of the street, it also attempted to regulate it by resorting to a spectrum of policing measures. In dealing with public assemblies, rather than

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attempting a legal resolution of the pertinent issue, the state tended to use provisional, executive and, occasionally, violent policing measures. It passed temporary magisterial orders to prevent public gatherings; it stationed extra, armed police forces in areas where the political climate was vibrant; it preventively detained popular leaders; and, at the extreme, it used police and military force on public assemblies.

The form and intensity of popular protest changed concomitant with its policing. Sometimes magisterial orders restricting strikes or meetings brought protest to a slow stop. However, at other times people challenged the restrictions placed on their right to public assembly and turned violent against the police. This was the moment of riot which, contrary to its representation in colonial discourse, was not a momentary and impulsive reversal to pre-colonial politics. Rather, this chapter argued that the riot was shaped over a long-drawn interaction with the police and was a response to the close monitoring of protest. Public gatherings that contested police control, whether violently or peacefully, invited further police violence. In turn, police violence inevitably brought protest to a standstill.

Thus the colonial and postcolonial states’ intervention in popular politics was not exceptional or limited to the moment of riot and police firing which is the most visible to the historian. Rather, the state managed the population and suppressed dissent more continuously through its legal and policing apparatus. This running interaction between policing and popular politics actively shaped, and often limited, the possibilities for popular politics in colonial Madras Presidency. But in independent India, electoral politics offered a platform from which to question police violence. The
conclusion to this dissertation looks at some ways in which democratization of politics changed the policing of subject-citizens, and thereby the articulation of state authority, after 1947.
CONCLUSION

This dissertation has used the lens of policing to examine how the colonial state exercised its authority over its subjects in the southern, Tamil-speaking districts of Madras Presidency in the first half of the twentieth century. Arguing against the image of a police institution barely present in the countryside, I have contended that despite their numerical disadvantage, the Madras police did in fact employ various means to exercise authority at an everyday level over colonial subjects. Specifically, policemen drew upon the colonial classification of Indian society into caste and religious communities, each objectified with particular characteristics – thrift, profligacy, avarice, deviousness, and so forth, to channel their resources and efficiently manage the subject population. In turn, police practices and the criminal statistics they generated helped cement colonial knowledge of native communities.

Relatedly, I have argued that policing in colonial Madras was integral to the governmentalization of the state. Through a carefully calibrated use of their resources – by being present in certain spaces more than in others (agricultural fields during harvests, highways that functioned as busy trade routes, festival sites, government buildings), and by targeting their energies against some subjects more than others – the Madras police ensured the stability of a colonial political economy that depended upon commercialized agriculture and trade.

This dissertation has also demonstrated that the colonial state exercised everyday coercion through its police. Orientalist characterizations of Indian society – such as “the perjuring native,” “the irrational crowd,” and “the unchanging village,”
indicative of the distance between the colonial state and its subjects, shaped the
exercise of colonial authority. Notably, they gave wider latitude to police practice, by
providing the state legitimation to treat subject populations more as objects of
policing, and less as legal subjects. This was especially evident in the case of popular
forms of mobilization, which the state characterized as “unlawful assemblies,” to be
policed using force. Through the police, then, the state could exercise everyday
violence on its subjects within the framework of the law. State violence was thus not
something exceptional that occurred only when normal law was suspended and the
military called in. Rather, it was folded into the very process of law enforcement and
thereby normalized.

It was not only through legally sanctioned acts of violence that the police
performed state power. I have attempted to show that ostensible “abuses” of police
authority, such as intimidation on the beat, registering certain “false” criminal cases
and dismissing others, and harassing criminal suspects during custodial interrogation,
were equally instances where the police were displaying the authority of the state. I
suggest that this was the case for two reasons. First, policemen did not function in a
social vacuum; rather, they drew upon larger discourses criminalizing subaltern
politics in exercising their discretion at the moment of law enforcement. Second,
subaltern subjects perceived police oppression as a manifestation of state violence.
Policing – through its uses and abuses - thus functioned as a means for dissimulating
violent and discretionary state authority at the quotidian level.
The exercise of discretionary state authority was facilitated by the fact that police practices were shaped by procedural law rather than by substantive law. Although the colonial state criminalized the politics of dissent to a substantial extent simply through legal codification (most notably by entrenching security of private property), there were always limits to the ability of substantive law to criminalize popular politics. On the other hand, police practices enabled a more continual and comprehensive criminalization of the politics of dissent. Drawing upon their local knowledge and broader notions of race, class, caste, and gender hierarchies, policemen exercised their discretion at the moment of law enforcement, to determine which laws were applied and on whom. Thus, policing offered the state a means to swiftly contain politics that represented any threat to the smooth running of the economy, maintenance of social order, or stability of political rule.

Since the violence of policing was intertwined with judicial procedure, it was sheltered from judicial penalty. This dissertation has demonstrated the ways in which the judicial courts failed to offer the subject-citizen recourse in instances of police violence. This was true regardless of whether police violence was legally sanctioned or not. In cases of custodial violence, courts privileged scientific evidence to the victim’s testimony, resulting in the policeman’s exoneration. In cases of police firing, courts resorted to the doctrine of necessity to justify the use of state force. After 1947, independent India adopted the Criminal Procedure Code of 1898 in virtually unaltered form. This resulted in a remarkable continuity of legal procedures pertaining to policing in postcolonial India, at least until the Emergency era i.e. the 1970s. Consequently, much like the attempts of colonial subjects, postcolonial citizens’
attempts to access the judiciary for protection from, or redress of, police violence were rarely successful.

In the absence of judicial recourse, colonial subjects used the limited political means available to them to negotiate police authority. Nationalists belonging to the urban middle-classes regularly complained about police atrocities in newspapers. Legislators raised questions in provincial assemblies about cases of police oppression. However, the examples of policing across this dissertation indicate that that state authority in the form of policing was manifested to subaltern segments of the population more than to the middle classes.¹ Those unable to access the printing press or the legislative house used rumour and gossip, exchanged on the streets of the village, the tea-shop, or the festival-ground – to speak about police authority. All the same, in the absence of democracy, politics was necessarily limited to a liberal public sphere in twentieth-century colonial Madras, and avenues for effective political action against police violence were more often than not available only to the literate, urban middle-classes.

This changed when India won independence from British rule in 1947, and adopted universal adult franchise. The avenues available for political participation expanded considerably to include those belonging to lower social classes. Relative to most other parts of the new nation-state, this was especially true in the Tamil-speaking regions of Madras Presidency, which had been home to a militant anti-caste movement

¹ Agrarian and industrial labourers, those notified as criminal castes, and caste communities seeking to improve their social status were frequent targets of policing. To the extent that labourers in the southern districts of Madras Presidency belonged to the lowest castes, policing of labour often translated into the policing of lower castes.
for several decades already. In his study of caste in colonial and postcolonial India, Nicholas Dirks counters the liberal critique of identity-based politics to argue that the politicization of caste in fact enabled a democratization of politics.\textsuperscript{2} By speaking in the idiom of caste, I suggest that subaltern communities could participate in postcolonial politics and highlight their experience of police violence.\textsuperscript{3} Therefore, despite the continuity in police rules and procedures, there were important shifts in the way state authority could be expressed through policing in postcolonial Madras (renamed Tamil Nadu). In these final pages of the dissertation, I make a few preliminary suggestions regarding the nature of these changes in postcolonial politics, in the hope of developing them in the next stage of this project. To do so, I flip my lens briefly to view state authority from the point of view of the subjects of policing.

The colonial state’s policing of subject populations classified on the basis of community had contributed to the hardening of communal identities through the twentieth century (and earlier). In postcolonial India, this dynamic of police interaction with communities had additional ramifications on electoral politics and, concomitantly, on police authority. Specifically, I argue that memories of police violence became central to the narratives of caste-community that were forged in postcolonial Madras. Conversely, electoral politics, which in Tamil Nadu were substantially determined by caste identities, offered an arena where postcolonial citizens could protest against police authority.

\textsuperscript{2} Dirks, \textit{Castes of mind : colonialism and the making of modern India}.

\textsuperscript{3} In fact, caste-based politics were arguably as or more effective in negotiating police authority than the more conventional methods of using a liberal public sphere (especially newspapers), which the Communist Party routinely did.
Since the police were closely identified with state authority, by protesting against police violence, marginalized caste-communities articulated their tense relationship with the postcolonial state. The politics of caste that I describe in the pages to follow differ somewhat from the more dominant, and commonly discussed, trajectory of caste politics in Tamil Nadu. First, through their narratives, communities clearly described a relationship with the state, and not just in opposition to other castes. This was unlike, say, the politics of the Justice Party in the early decades of the twentieth century, in which elite non-brahmin castes protested to colonial authorities against the disproportionately high representation of the Brahmin community in bureaucratic offices. To a large extent, it can be said that in the caste politics of colonial Madras, the state was perceived as the neutral arbiter presiding over dissenting communities. This was not the case in postcolonial Tamil Nadu where the myth of the neutral state disappeared and the state was identified with dominant caste interests. Second, the cases discussed here do not fit into the politics of affirmative action which, for long remained the principal fault line in debates on postcolonial caste politics. Caste narratives commemorating police violence emphasized experiences of exclusion more than they did demands for inclusion within a path to progress to be achieved through education and employment. The very experience of

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4 For a discussion of non-brahmin politics in Madras, see Pandian, Brahmin and non-Brahmin: genealogies of the Tamil political present. Kita and Rajaturai, Towards a non-Brahmin millennium: from Iyothee Thass to Periyar.
5 EVR Periyar observed 15 August 1947 as a Black Day, when upper castes would take over power. For an analysis of the construction of this image of the neutral colonial state, see Pandey, The construction of communalism in colonial north India.
exclusion and violence was used as a foundation to forge an identity and stake a political claim. For subaltern communities whose experience of the everyday state was mediated through the police, violence, in fact, was “a form of political currency in the postcolonial milieu of commensuration.” Thus, these politics were more similar to Anupama Rao’s analysis of Dalit politics in modern India, where she argues that becoming Dalit converted a negative description into a confrontational, positive political identity.

In the following pages, I examine how narratives of victimhood to police violence became an important theme in the consolidation of caste identities among Thevars and Dalits, two communities which have appeared repeatedly as objects of policing in the preceding chapters. These castes encountered quotidian state authority in the form of the police in various ways: sometimes their experience of police power was occasional and extreme, as in the case of custodial torture or police firings. At other times, the edge of police violence was blunter but more continuous, as was the case with police intimidation on the beat. The spaces of police encounter also varied: they were not just limited to the station-house but also extended to dusty streets and busy highways, market-squares, temple grounds, bus-stands, and coffee-shops. I suggest that these multiple rhythms of policing came together to constitute for such communities a relationship with state authority that was strongly mediated by the police, and marked by violence. Accordingly, memories of police violence played a

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8 Ibid.
significant role in forging Thevar and Dalit identities which, in turn, were used to
wrest political capital – the first from as early as the 1950s and the second more
recently, from the 1980s onwards, as described below.9

Neither Thevars nor Dalits were dominant participants in the Tamil political
arena until the 1950s.10 But by the second General Elections of 1957, both
communities had emerged as crucial participants in electoral politics in the southern
Tamil districts, especially in Ramanathapuram.11 The electoral battle lines here was
drawn between Maravars (a Thevar sub-caste), Dalits, and Nadars, a comparatively
affluent trading community. In the weeks leading up to the election,12 U.
Muthuramalinga Thevar, a Maravar, and a candidate from the Forward Bloc party,
went upon an aggressive campaign trail.13 He gave a number of speeches at numerous
small towns, drawing huge crowds in each. In these speeches, Muthuramalinga Thevar
viciously attacked the incumbent Chief Minister of the state, K.Kamaraj, who,

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9 Recent scholarship on Muslims, in Gujarat in particular and in India in general, suggests the
importance of police authority in alienating muslims as a community from national politics.
10 Neither community would have been included in the limited franchise of the 1935
Government of India Act, as they were largely poor and illiterate.
11 Numerically, Maravars, Dalits, and Nadars were significant castes in this district.
12 The events discussed here actually occurred after the main elections, and before the by-
elections to the Mudukulathur constituency. The by-elections had to be conducted since
Muthuramalinga Thevar had won both his Assembly and Parliament seats in the General
Elections.
13 Muthuramalinga Thevar had had a long political career by then. He was born in 1908 in a
landed family in Ramanathapuram. As a youth, he joined the Congress party, and later
deflected to Subash Bose’s faction, which in the forties separated out as an independent party,
the Forward Bloc. In the 1930s, he led a number of trade union strikes in the textile mills in
Madurai. In these, he stood out for his style, which was more aggressive than that of the
established Congress trade union leader in these parts, Varadarajulu Naidu, a moderate. These
were also the years when Thevar led agitations against the colonial government, protesting the
inclusion of members of his caste within the scope of the Criminal Tribes Act, 1911.
incidentally, belonged to the Nadar community. Muthuramalinga Thevar’s multi-pronged attack on Chief Minister Kamaraj pointed to the marginalization of the Thevar caste by the state, in complicity with economically dominant castes like the Nadars.\textsuperscript{14} Additionally, Muthuramalinga Thevar asserted a Thevar caste identity that was founded not upon participation in the path to economic progress but, alternatively, upon valour, muscular Hinduism, and brazen resistance to police authority.

Muthuramalinga Thevar’s exhortations to his caste people to harass their Nadar neighbours unleashed an atmosphere of tension which enveloped local Dalits too within a few weeks.\textsuperscript{15} To restore a measure of peace, the Ramanathapuram District Collector called for a public meeting of local community leaders on 10 September 1957. Ironically, the Peace Conference was to become the originary moment of antagonistic caste narratives that would survive for at least a half-century in Tamil politics. The meeting was attended by Muthuramalinga Thevar and one Immanuel Sekar, among others. Immanuel Sekar was a Dalit Christian who belonged to the Congress party and had been campaigning locally for Dalit rights for the preceding few years. At the meeting, it is said that Immanuel Sekar failed to accord Muthuramalinga Thevar the respect he was accustomed to receiving from Dalits.

\textsuperscript{14} Muthuramalinga Thevar disparaged Kamaraj for his humble origins, he pointed out that historically Maravars were a superior caste to Nadars, he accused the Nadar community of profiteering at the expense of the impoverished agriculturist, he accused Kamaraj of using the state machinery for his personal ends, specifically of counterfeiting, corruption, and using the police for his own ends. Thevar’s speeches were sharp enough to warrant a secret policeman to record them, so that the government could debate a course of action against him. They were also recorded and later published by his followers within the community. G.O. 3358, Public, 1957, TNA. M.S. Pandian, \textit{Pasumpon Thevarin Theivegamum Desiyamum:Aaivuk Katturaigalum Sorpozhivugalum} (Chennai: Maruthu Padippagam, 2005).

\textsuperscript{15} G.O. 1277, Public 1957, TNA.
Upon leaving the meeting, Muthuramalinga Thevar is reported to have told a few of his adherents, “What kind of Maravars are you that a Palla lad dares speak to me like this!”\textsuperscript{16} The following night, a group of men set upon Immanuel Sekar when he was returning home, and stabbed him to death.

A flurry of violent clashes between Thevars, Dalits, and the state police occurred over the following fortnight. Ten persons were reported killed, over a dozen injured, and about fifty houses burnt down in a riot between Dalits and Maravars in Arunkulam village on 13 September. In a subsequent confrontation between the two communities in Ilanjamboor village, six people died and several houses were set on fire. In a riot in Oorkudi, two were injured. The tension in the area rapidly increased: Dalits of some villages escaped to the town nearby, the post office refused to carry mail, some schools stayed shut, and even doctors stopped visiting certain villages. One prominent strand, then, in contemporary and later accounts of the events of 1957 was the long-standing oppression of Dalits by the higher-caste Maravars.\textsuperscript{17}

The other strand, which is more pertinent to this argument, emphasized that Maravars themselves were victims of police violence, and that the state’s measures to restore peace had been biased against Maravars, triggered in part by the personal


political rivalry between the Chief Minister and Muthuramalinga Thevar. During the course of the events of 1957, the Government of Madras had, in fact, deployed a number of policing mechanisms to control the riots – it imposed Sec. 144 restrictions on public assembly on several villages for weeks on end, it put over four hundred people, including Muthuramalinga Thevar, in preventive custody, it authorized police forces to fire on public gatherings on at least seven occasions – inevitably on Maravar gatherings, it stationed special armed police forces for several months in Ramanathapuram, and, allegedly, it played a role in having a false charge of abetting murder filed against Muthuramalinga Thevar.

All of these measures had a colonial genealogy – they were justified by judicial procedure or by the doctrine of necessity, and there was no legal provision for the affected Maravars to challenge any of them individually. Collectively, however, they were represented in contemporary newspapers as well as in later accounts as a violation of the rights of a community. Policing, then, was perceived as an act of conscious state power rather than as a necessary means of law enforcement. Equally, the resistance to policing occupied the domain of politics rather than law. Especially important in this endeavor was the memory of 1957, which was actively deployed by Thevars in the postcolonial political arena. One instance of policing, in particular, stood out among the others. When the Dalit leader Immanuel Sekar was murdered, the police reportedly received information that Maravars belonging to a neighbouring village, called Keezhatooval, were responsible for the crime. A couple of days after the murder, on the morning of 14 September, a party of armed policemen went into the
village to apprehend the suspects. Governmental accounts of the day’s events depict a stereotypically violent mob that threatened public order, as quoted below.

The police party was attacked by a crowd of Maravars, a thousand strong, who were armed with deadly weapons, as a result of which a few Police officials were injured. As a measure of self-defence, the inspector in charge of the police party ordered the opening of fire. To begin with, two rounds were fired. But, as the crowd still pressed forward, four more rounds were fired and the mob dispersed. As a result of the firing five Maravars have been killed.¹⁸

Within a matter of days, however, an alternate version of the story was being circulated. According to this version, the police, upon entering the village, had summoned the five Maravars, blindfolded them, tied their hands, marched them out to the tank near the village, strapped them to trees, and then shot them point-blank at close range. There was a hue and cry raised in the press, by politicians from across political parties, and in public gatherings, with demands being made for a judicial enquiry into the firing.¹⁹ The Madras government, controversially, denied the request and instead instituted a magisterial commission to investigate the firing.²⁰ The one-man public inquiry heard testimonies of policemen, forensic experts, and Maravars and Dalits from the village, some of whom corroborated the story of the cold-blooded murder. Nonetheless, the Commission ultimately accepted the police version of events and exonerated the concerned policemen. But judicially verifiable facts were not the

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¹⁸ Madras., "Fortnightly Report for the Madras Presidency." September 1957. Preliminary newspaper reports of 15 September which, presumably, reflected government sources, also carried this version of events. Indian Express, Madras.
¹⁹ Ibid. The Hindu, multiple issues from September 1957.
²⁰ In contrast, in a case of police firing on striking sweepers in Delhi around the same time, the central government ordered a judicial enquiry. Indian Express, August 4, 1957.
determining components of history and memory in postcolonial politics. A Thevar community blog, written in 2010, recounted this version of the 1957 firing.

The ruthless murderer, the blood-thirsty inspector Ray, and a police battalion were sent to Keezhathooval village (by the Chief Minister Kamaraj and senior police officers)... On 14 September 1957, the policemen entered Keezhathooval village, near Mudukulathur. Inspector Ray beat and tortured the peaceful residents of Keezhathooval village. He imprisoned the elderly in the village school. Mudukulathur Sub-inspector Nataraja Iyer dragged out just the five youth Thavasiyandi Thevar, Chittiraiavelu Thevar, Jeganathan Thevar, Muthumani Thevar, and Sivamani Thevar. The blood-thirsty inspector Ray took them to the banks of the tank that adjoined the village. There, the five brave youth who had been taken to the banks of the tank were blindfolded, their hands and feet were tied. They were tied to the karuvela trees, and as they stood there in fear, (the policemen) shot them. Hearing the sound of gunshot, those imprisoned in the village school wailed in anguish...

As opposed to official narratives of the firing, where the victims were simply enumerated but never named, the five deceased were memorialised not only with their names, but also with vivid images that were used to embellish the tragic story [See Appendix H]. The entire story was made more emotive, the inspector was named, other actors – helpless witnesses to the crime - were brought in, their cries of anguish recorded for posterity.

It is noteworthy that of the various episodes of violence from 1957, it was this story that was chosen to be memorialized in Thevar narratives, and in the way that it was. In a discussion of the controversial police firing on Algerian/ French protestors

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in Paris in 1961, Joshua Cole argues that acts of commemoration pull the history of an event in different directions. The memory of the Keezhathooval episode highlights first, state violence at the expense of other instances of inter-communal clashes that occurred during that fortnight in 1957. Second, it highlights the identity of a supra-local community i.e. Thevars, at the expense of locality. While the events of 1957 pertained only to Maravars, a Thevar subcaste dominant in Ramanathapuram district, the memory of the event is appropriated by the entire Thevar community, a “voting bloc” as it were. Third, the memory of the firing, especially in the form of the images, highlights the masculinity of the victims – all depicted as moustachioed, bare-chested men, pushing to the margins questions of gender violence pertaining to the events of 1957. The image also strengthens the Thevar self-representation as a masculine and valiant caste community. Thus the memory of state violence upon a caste-community overshadows other public memories of 1957, indicating the

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24 For a discussion on the forging of translocal communal identities, see Freitag, Collective action and community : public arenas and the emergence of communalism in north India. In court proceedings of 1957, Agamudaiyars, also a Thevar subcaste, were considered impartial witnesses, as opposed to Maravars or Dalits. In contrast, the Thevar identity of the late twentieth century encompasses Maravars, Kallars, and Agamudaiyars. Some writings on the caste violence of the 1990s at times seem to assume an essential Thevar socio-political identity – both as a voting bloc, and as a caste that dominates Dalits. S. Anandhi and J. Jeyaranjan, "New Caste Equations," Economic and Political Weekly 34, no. 1/2 (1999).

25 For other instances of this image of the masculine Thevar, see Tamil films Thevar Magan (1992), Virumandi (2004), Vedam Pudithu (1987). See also Pandian, Crooked stalks : cultivating virtue in South India.
communalization of politics, and the use of communal politics to negotiate coercive state authority.

Memories of police violence are a significant component of contemporary Dalit community narratives too. Not only that, some of the memories of policing in Dalit narratives evoke an almost identical image of opaque state violence exercised through the police as do Thevar memories of the 1957 firing. For instance, in 2011, there was a Dalit procession in Paramakudi to commemorate the death of Immanuel Sekar (the Dalit leader who had been murdered in 1957). According to state authorities, the crowd grew violent and the police had to fire on the gathering. On the other hand, a Dalit blog describing the episode bears a striking similarity to memorialization of the Keezhathooval firing. According to the blog, quoted below, the police had simply taken five youths to a neighbouring culvert and shot them dead.

Many people saw the police beating and taking into a police van five youths, including Theerpukani of Keezhakotumalur and Muthukumar. It happened at 4 p.m. Theerppukkani came to the trouble spot just to take his bike that he had left at Five Corner road. Village people testify that the police took him and Muthukumar and shot them dead near the Muthukalathoor culvert.26

More generally, both Thevar and Dalit politics in recent decades have been contested over public spaces, as much as through the politics of affirmative action. The two communities have confronted each other, and the state police, several times over paying obeisance to statues of Muthuramalinga Thevar and Immanuel Sekar, the two protagonists of the 1957 conflict.27 These conflicts have been especially pitched

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26 https://sites.google.com/site/simpsonviews/home/paramakkudi-incident
27 This is much like the controversies over Ambedkar’s statues in other parts of the country.
on certain days that have become meaningful in Thevar and Dalit community narratives i.e. 30th October (Muthuramalinga Thevar’s birth and death anniversary), 11th September (Immanuel Sekar’s death anniversary), and 14th September (the day of the Keezhatval firing). For instance, in anticipation of a “law and order problem,” the police prohibited a Thevar procession from passing through certain roads which traversed Dalit villages on 30th October 2009. In response, the president of a village-level Maravar Society submitted a mandamus writ petition in court to safeguard his villagers’ rights to worship Muthuramalinga Thevar’s statue.28 In September 2013, the Tamil Nadu police used Sec. 144 of the Criminal Procedure Code to place restrictions on public gatherings honouring Immanuel Sekar on the anniversary of his death, as well as on gatherings paying homage to the victims of the Keezhatooval firing, three days later.29

Caste politics in present-day Tamil Nadu, such as the incidents described above, have been framed by journalists and human rights activists in terms of a deep-rooted antagonism between Thevars and Dalits.30 While acknowledging the realities of the Dalit experience of caste discrimination at the hands of Thevars, I would also like to draw attention to a longer trajectory of engagement between the state and

28 K.Karunthamali vs. The District Collector, Madurai, 28 October 2009.
30 For example, a Human Rights Watch report notes that a majority of the police force in the southern districts of Tamil Nadu now “hails from [the Thevar] caste and, often, have been unable to overcome their caste affiliations.” "Broken People: Caste Violence against India's Untouchables." See also Viswanathan, Dalits in Dravidian land: Frontline reports on anti-Dalit violence in Tamil Nadu, 1995-2004.
communities that is evident in these politics. Specifically, I have attempted in this dissertation to shed light on a realm of everyday politics that comprised the colonial and postcolonial states on the one hand, and subject-citizens on the other. I have argued that a study of policing reveals the fraught exercise of state authority, where dominance involved the exercise of quotidian violence. In postcolonial India, where subaltern communities have challenged the attempts of the state (and its police) to contain their politics, the violence of resistance has been more visible. The struggle over public spaces that has been central to Dalit and Thevar politics in recent years is, I would propose, part of this resistance to coercive state authority.
APPENDICES

Appendix A: Crime Map of Madras Presidency, 1926


Appendix B: Station History Crime Chart, 1921

Source: G.O. 1364, Judicial, 1922, TNA.
Appendix C: Mudukulathur Allocation Map, 1930

Source: G.O. 243, Public (Police), 1930, TNA.

Appendix D: Marava Form Template

Marava sheet for --- station

Hamlets:

1. No of houses (class & caste war)

2. V.M.’s name and caste – attitude towards maravars

3. Are the talayari, vetti maravars? If so, are they share holders in kaval? What are their names?

4. What form does marava oppression take? Does it arise from kaval?

5. If there is a kaval system, is it with the consent of the villagers or do they resent it openly or secretly within themselves? State briefly kaval rates in cash or kind?
6. Are the oppressed villagers ready to depose in security or other police cases against maravars if offered police backing?

7. What is the caste and economic status of the oppressed?

8. What are the names of the leading oppressive maravars and have they any means of livelihood other than oppression? Give details of property.

9. Is there faction in the village between the villagers or amongst the kavalgars and has this given rise to property offences?

10. No of marava ex-convicts.

11. No of marava C.T.M.s.

Appendix E: Station Crime History Part IV Form Template

Village with revenue no.

Hamlets

1. Geographical position

2. Population

3. Names of village officers and their character

4. Prominent class of community and its respective leaders

5. Religious institutions and their connected festivals

6. Civil institutions and men connected therewith and how they work

7. Places of public resort

8. Shandies and fairs

9. Miscellaneous bad characters including rowdies, prostitutes, receivers of stolen property, law touts and persons who trade in the name of officers.
10. Police informants

11. Special features of crimes for which the village is noted, and how to prevent the same

12. Faction

13. Under whose kaval, the address of kaval leaders, whether they peacefully collect or blackmail the inhabitants and if there is any faction

Appendix F: The F.I.R

**FIRST INFORMATION REPORT**

*First information of a cognizable crime reported under section 154, Criminal Procedure Code, at Police Station .............*

<table>
<thead>
<tr>
<th>Sub-District</th>
<th>District.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>Date and hour of occurrence.</td>
</tr>
<tr>
<td>Date and hour when reported.</td>
<td>Place of occurrence and distance and direction from Police Station</td>
</tr>
</tbody>
</table>

*(N.B.—A first information must be authenticated by the signature, mark or thumb impression of informant and attested by the signature of the officer recording it.)*

<table>
<thead>
<tr>
<th>Name and residence of informant and complainant</th>
<th>Name and residence of accused.</th>
<th>Brief description of offence, with section, and of property carried off, if any.</th>
<th>Steps taken regarding investigation, explanation of delay in recording information</th>
<th>Result of the case</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

Signed .................................

Designation .................................

*(First information to be recorded below.)*

Signature, seal or mark of informant.

Source: Fraser Commission Report, 1902
Appendix G: Keezhatooval Commemoration Posters

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